

A
DIGEST
OF THE
EVIDENCE
TAKEN BEFORE SELECT COMMITTEES OF
THE TWO HOUSES OF PARLIAMENT,
APPOINTED TO INQUIRE INTO THE STATE OF
IRELAND;
1824—1825:
WITH
NOTES HISTORICAL AND EXPLANATORY,
AND A COPIOUS INDEX.

BY
THE REV. WILLIAM PHELAN, B.D.
AND
REV. MORTIMER O'SULLIVAN, A.M.

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P R E F A C E.



WITHOUT meaning to deprecate fair criticism, the Editors request that their performance will be considered with reference to the purposes which they had in view. They did not propose to themselves, nor do they profess to give the substance of all the Evidence reported by the Parliamentary Committees; but have confined themselves to that subject for which the public enquiry was particularly instituted; namely, the state of Ireland, regarded as a country perpetually harassed by systematic outrage, and by political dissension. The following pages are intended to illustrate the nature and origin of these disorders, and the measures suggested as remedies for them; and the Editors conceive, that, if they have discharged their duty with respect to these important topics, in such a manner as to afford satisfactory information, they may be pardoned for omitting the consideration of, or for briefly noticing, other questions.

The causes to which the Disturbances in Ireland may be traced, are of three kinds—domestic, political, and religious. To the investigation of these causes, the enquiries of the Parliamentary Committees were particularly directed, and the Editors have had as their object, so to classify, and select and abridge the reports of evidence, as that the general reader might not be deterred from seeking information, and that the more careful enquirer might be assisted in his researches. In that part of the Digest which is occupied with what might be termed the domestic condition of the Irish peasantry (a subject of not much party or political controversy), the evidence is given in an abridged form, reference being made to the authorized reports, and the Editors holding themselves responsible for the fidelity of their abridgements. In the other parts of the enquiry, where the subjects were more controverted, and where shades of expression were consequently of much importance, it was not thought proper to change the language in which testimony had been delivered; and in these parts, accordingly, the Editors have confined themselves to the rejection of repetitions.

With respect to religious matters, the evidence has been regarded in two lights, as illustrated by the circumstances of Ireland, and by the condition and the character of the Irish people; and as illustrated by the principles of that Church, to the structure and influence of which the Parliamentary Committees had directed their attention. The reader who looks for theological discussion of an abstract nature will be disappointed. The Church of Rome is not considered with reference to the purity of its doctrines, but with reference to the manner in which its tenets and discipline are calculated and intended to affect the state. In the first part of the Digest the system of that Church is viewed, principally, as exemplified by its mode of operation; and, in the second part, the evidence of its ministers is considered in connection with authorized formularies of doctrine and discipline, and with information derived from authentic and undisputed historical statements. In one or two instances it was judged more advisable to re-print short extracts from evidence, than to interrupt an enquiry in the first part of the Digest, by referring readers to the second. The notes extend occasionally to considerable, but, it is hoped, by no

means unnecessary length; the documents adduced are of that authentic nature which will entitle them to the appellation of evidence; and they relate to questions, which, though of great and abiding interest, have for many years been little regarded by the public.

Having thus put the reader in possession of their views, the Editors leave their work to speak for itself.

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PART I.

CHAPTER I.

Condition, &c. of the Peasantry.

DANIEL O'CONNELL, ESQ.

THE parts of Ireland with which witness is most acquainted, are the counties of Clare, Limerick, Kerry and Cork. In these counties, the condition of the peasantry is wretched in the extreme; their habitations not deserving the name of houses, their furniture and bedding miserably scanty, and their food principally potatoes, except on the sea coast, where the women and children procure some fish. There is generally a season of distress between the time when the old potatoes fail and that in which the new are fit for use, and (there being no adequate employment for the poor) they have no means of acquiring money to supply them with food during this period of almost annual distress. The want of employment, and the consequent inadequacy of wages to maintain a family, renders it necessary for the labourer to procure some land, and for this, which he finds it extremely difficult to procure, he is compelled to pay in general an exorbitant rent; there is, however, a progressive improvement going on.

Commons,
25 Feb. 1825,
Report, p. 48.

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p. 85.

THE REV. T. COSTELLO.

BESIDE those who hold small farms on leases, there is an inferior class, who are occasionally (for about twelve weeks in the year) employed as labourers. This class

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consists of those who rent a house and a quarter of an acre of land, and who endeavour to procure a subsistence by taking more land, (perhaps a quarter or half an acre) on what is called the Conacre system. The rent paid for this is generally ten guineas an acre, the land being such as has been grazed for some years, and then given out for potatoes. The persons who are able to pay this rent are generally those who have more employment, and those whose habits are more industrious than others, and some, who are enabled, by the sale of a pig which they have fed, to redeem their potatoes, which, if the rent be not paid, the landlord seizes, sometimes paying back to the tenant what they have produced above the rent, sometimes canting them at a nominal price, and allowing him nothing for his labour in cultivating the ground, and for the expence he has been at in purchasing seed. The lowest class of all, which is very numerous, consists of mendicants, who from want of employment go through the country as vagrants, many of them able to work, but not meeting anywhere with employment. These mendicants, however, generally obtain from the charity of the people, food, such as it is, sufficient for their subsistence. They are never refused a portion of the potatoes which a family are perhaps preparing for themselves, and are in general able to procure a surplus above the quantity necessary as food, which they sell in order to supply themselves with clothing. It often happens, that the families of the poor cotters suffer want in the summer season, while the mendicants are always fully supplied with food.

By the Conacre system, is to be understood a practice of taking land in small portions for one season, and of allowing the landlord to consider the produce of the soil a security for his rent.

J. B. McCULLOCH, ESQ.

am.
une 1825,
ort, p. 309.

DERIVES his knowledge of Ireland from books and conversation; thinks the Irish peasantry the most wretched

in Europe, and attributes their distresses to the excess of the population above the means of giving them adequate employment; assumes, that the population of Ireland has been increasing since the year 1821, at the same ratio as it increased to that period from 1810, and hence concludes, that the present population is at the least seven millions and a half. Of this number, two millions (including five hundred thousand females) are above sixteen years of age and fit for labour, and to increase their wages from four-pence, (*which, it is said, would be the present rate of wages if equally distributed through the labouring classes**) to one shilling a day, an additional capital of twenty millions would be required. To increase the proportion of capital to population, is the grand difficulty to be overcome, and until the ratio of capital be adequately increased, it is impossible that the condition of the Irish peasantry can be improved. The comforts enjoyed by the people of Ulster, witness attributes, not to the manufactures cultivated among them, but to the habits of a people educated under Presbyterian discipline.

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THE RIGHT REV. JAMES DOYLE, D.D. ROMAN CATHOLIC
BISHOP OF LEIGLIN AND KILDARE.

IN witness's diocese, (consisting of the counties of Carlow, Kildare and Queen's County, and of portions of Kilkenny, Wexford, Wicklow and King's County,) the distress of the lowest classes is more extensive and intense than any language can describe. During last year, not a year of very extraordinary distress, in the summer, (when the stock of potatoes laid up in the preceding year had been exhausted, and before the labours of the harvest had commenced) great misery was experienced. In the town of Carlow, out of a population of eight or nine thousand, there were two hundred and thirty-seven families, averaging five and a half individuals each, who applied for relief, and beside these, there

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March 18, 1825,
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* See the evidence of J. S. Rochfort, esq. in this chapter.

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were about five hundred individuals in want who would not go abroad to receive the relief given in public. In the parish of Killisheen, where witness resides, the number of poor in a state of starvation amounted to seven hundred, in a population of between three and four thousand persons, and witness was obliged to lend money to almost the largest occupiers of land to buy seed for their farms. The pressure of this starving population is continued by the prevalence of early and improvident marriages, owing partly to the extreme poverty of the people, which renders them hopeless of improving their condition, and partly to their mode of life in which there is not a sufficient restraint upon the intercourse between the sexes; as, generally, all the inmates of one house are constrained to sleep in the same apartment. Beside the causes which operate constantly in increasing or continuing the misery of the Irish poor, there has been latterly an accidental cause which has been felt in the neighbourhood where witness resides; the tenants of some mountainous lands in the Queen's County unable to pay their rents, were compelled to relinquish their habitations, and, crowding into Carlow and its vicinity, increased the population to a degree which far exceeded the means of employing them. The effects of such a state of society upon the mind of witness have been so severe, that he has frequently prayed that God would, if it were his will, take him out of life, rather than leave him to be a witness of such evils, if they are to continue.

J. S. ROCHFORD, ESQUIRE.

§25,
1.

RESIDES in the county Carlow, and attends on the grand juries in Carlow, and in the Queen's County. Is well acquainted with the town of Carlow; would not have thought that it contained so much distress [*as that described by the preceding witness,*] but would not undertake to say that it does not, his knowledge of the poorer classes being too limited to justify him in expressing an opinion. Would not have supposed that so much

misery could exist unknown to a magistrate residing so near the town. Considers the Roman Catholic clergy the best authority, as to the condition of the poor; undertakes to say, however, that among his own tenantry there is not an individual who is not employed, and who has not wages sufficient for his support. Thinks that some of the peasantry in the neighbourhood of Carlow are more comfortably circumstanced than those in other parts of the kingdom, although some there, as elsewhere, cannot procure adequate employment. Is of opinion, that if the sums paid as wages were distributed through all the labourers equally, and for the entire year, the average rate of labour would be about four-pence a day.

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April 22, 1825
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Witness has property in the county of Galway so overpeopled as to be capable of merely supporting its inhabitants; and, although no rent is received, it would be hazarding an insurrection to attempt displacing the defaulting tenants; this, witness states on the authority of his agent. Believes that some gentlemen have cleared their estates of a pauper population; and that, in consequence, much misery has been experienced. The subdivision of land which has occasioned this excessive population, has been owing in some degree to the habit of farmers giving land as marriage portions to their children, a habit which has been permitted, partly because the proprietors of the soil had not, from the law, power to prevent such a subdivision, or found great difficulty in enforcing their right so to do. Witness is of opinion, that the mismanagement of property in Ireland should be imputed less to the landlords, than to the circumstances in which they were placed; that lands wasted by war, having been, little more than a century since, granted to persons who had not capital to improve them, it was natural that a transfer should take place to those who promised moderate rents, and gave the landlord no more trouble. Hence the order of middlemen.

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Witness believes, that husbandry in Ireland is very much improving.

J. LESLIE FOSTER, ESQUIRE,

ds,
. 1825.

IN the performance of his duties, as counsel to the revenue, has visited every county in Ireland; and, having an estate in the south of Ireland, is well acquainted with the management of agricultural property. The middlemen are frequently the younger sons of the younger branches of respectable families, who, considering a trade in land the occupation of a gentleman, determine, as they say, to take a farm, that is, to speculate on land letting.* Being in general destitute of capital, they proceed to advertise the land; and on the principle, though without the formality of an auction, the farm is given over to the best bidder. The poor, having no other resource, are constrained to offer any nominal amount which may be insisted upon; and it becomes matter of subsequent experiment how much can be enforced.

The middleman, residing on the property, watches with great jealousy the under tenantry; keeps an account of the stock in their possession; follows them to the market, and takes care that they shall not have the power to divert the produce of their farms to any other object than his advantage. He is often the factor and vendor of such produce; he obliges the tenantry to deal with him on his own terms, and one great source of

* The Editor has had opportunities of knowing instances, in which middlemen of this class might be said to have been created by the circumstances of the country. A larger tract of land than would be let directly to tenants without credit or capital, was out of lease; and, as it was not to be, in the first instance, subdivided, a number of the peasantry applied to some person of more solvency than themselves, urged him to make proposals for the land, and stated the terms on which they would be satisfied to hold under him if he were declared the tenant. Instances of this kind have frequently occurred, in which the proposal of the middleman was accepted on a Saturday, and on the Monday following the arrangements projected respecting sub-tenancy were carrying into effect.

Lords,
23 Feb. 1825;

dissatisfaction in the south of Ireland, is the incorrectness with which the accounts of the middleman are kept. He leaves to the unfortunate tenantry only what satisfies the commonest wants of nature, and sometimes occasions their ruin by permitting them to be distrained for rent which they had paid to him, but which he had not paid up to the proprietor in fee. Where the tenant held directly under the head landlord, his comforts were much more regarded, and in general the rent was less exorbitant, and the mode of exaction less oppressive. This system prevails in many parts of Ireland, and is now very generally extending itself. Those speculators in land whom the state of things during the war had created, were swept away by the fall of prices, and the operation of an Act of Parliament, passed a few years since as a remedy for certain evils in the system of tenancy, has excited a strong desire in the landlords to remove the remaining middlemen from between themselves and the occupying tenants. Before that act, the law gave, as it were, a bounty, on "tenancy in common," in the facility it afforded of removing an entire company by one ejectment, instead of going through a very tedious process, and bringing separate ejectments against each individual. But the late Act, which gives the landlord a power of recovering his ground, (provided the rent be under fifty pounds a year,) at little expence and in a short time, removes the inducement to continue the system of "tenancy in common," and enables a landlord, even though he be an absentee, to dispense with the instrumentality of a middleman, which was almost indispensable, while his ground was let not to single tenants, but to rural companies. The necessity of bargaining with adventurers, imposed on the English proprietors of Irish land, by the customs which prevailed at the time of the confiscations, such as gavel kind, tenures in common and at will, (customs which were in force throughout Ireland, except in those

ds,
1825.

parts which James the first had planted) has long since ceased to exist, but the high prices during the war contributed to extend the system of middlemen; and it is only within the last seven or eight years, that landlords have begun, generally, to treat directly with the occupying tenant, a practice which they might have adopted with advantage, fifty, or perhaps a hundred years since. There seems to be now a kind of panic felt among the proprietors in fee. Had the land been let on fair principles, they would have had little trouble in the management of their estates, but when, in consequence of the bad system adopted, a superabundant and miserable population settled itself upon an estate, rents were withheld, and, in the end, the wretched occupants were dispossessed in a manner which occasioned a great increase of misery, even to an extent which furnishes reasonable grounds for believing that the population of Ireland is at this moment on the decline; (the ejected population being placed in circumstances of such misery as that they must ultimately disappear). For this unhappy necessity, witness can imagine no remedy better than facilities for emigration, offered at the particular points where a new setting of estates is taking place. In other respects, the country is progressively improving, sound principles are beginning to be understood, and better habits are cultivated. It was not the least among the evils of the middleman system, that the peasantry had no means of forming a notion of the aristocracy, except by reference to the deceitful rule afforded in the lives of the uneducated and immoral men who, in past times, represented a gentry in Ireland; and, according as these men shall be removed from a station for which they were unfit, the comforts of the tenantry, and the peace of the country might be consulted for, in the selection of intelligent and honest agents for the management of absentee property.—[The following illustration of the principles here laid

down, the editor thinks it due to his readers to give in the words of Mr. Foster himself.]

Have you any property in the south of Ireland, and where?

Lords,
23 Feb. 1825.

In the year 1811 I acquired a property in the county of Kerry, in the centre of the middle landlord system; it was at that time held by one middleman, who was to pay me a certain rent, and the land was held under him by 53 families, who were subdivided into parties, and each party, consisting of eight or ten families, occupied a certain portion of land. They were all dairy farmers; each company had their cattle in common; no individual on the estate had any separate property, either in the land, or in any thing else, except in the hovel in which he lived, and all the companies held at the mere will and pleasure of the middleman. I was very much struck, on visiting the country, at the barbarism, pauperism and misery, and, I may add, the insubordination, of all persons connected with that part of the country; and I beg to add, that the description I am giving of that particular estate, applied more or less to several others in its immediate vicinity, on the whole of which the effects appeared to me to be the same. The middle landlord, however, held the whole for a term certain, and it was impossible I could interfere with him so long as he continued to pay the rent.

Did any change take place in the management of that property?

So long as the war prices continued, the middleman paid his rent with great punctuality; but in the year 1815 and 1816 he withheld it, and obliged me to have recourse to an ejectment, which ultimately brought the property into my own possession; and in the year 1817, I determined to try the experiment of setting to those families, dividing the property among them, and giving each a lease of 20 years. I had a survey made, and

ards,
1825.

explained to the people my objects and intentions, which they were very slow to believe; they could scarcely comprehend them, and would hardly believe I intended to behave so liberally to them. They had no confidence in me, and supposed I could have none in them. The neighbouring gentry saw what was going forward with great dissatisfaction; they were unanimous in predicting the failure of the experiment. I, however, proceeded, and set to the occupying tenantry at rents rather greater than the middlemen ought to have paid me, but fully one-third less than those which they were bound to pay him. When they saw that I was in earnest, they entered very fully indeed into the plan. One of the greatest difficulties that had been anticipated by my neighbours was, that the people could not consent to the separation of the companies; there was, however, no practical difficulty of that kind experienced; the land was divided; they even threw down, in many instances, the little clusters of hovels in which they had lived, and built good houses for themselves, with very little assistance from me. For six half years after my dividing the property, they paid their rent with the utmost punctuality; there was no default whatever; and I am persuaded they would have continued to do so, but for the circumstances that attended the autumn of 1821 in that part of Ireland, when Captain Rock interfered with that property as well as others. However, they have renewed their payments, and within the last twelve months I have got a full year's rent from them, and I have no doubt they will go on paying it. This experiment has convinced me of the practicability and facility of introducing the English system of tenure into any part of Ireland, even where appearances are most unfavourable.

Have you had any opportunity of observing the

state and condition of this property since your system has prevailed, so as to ascertain whether the comforts of the tenantry are materially increased?

Lords,
23 Feb. 1825.

I have been twice there since, and so lately as the last summer, and the results have exceeded all my expectations. I think the greater part of the year's rent, which I conceive the insurrectionary spirit of the south has operated to deprive me of, was employed in bettering their condition. Their houses, furniture, food, clothes, and stocks of cattle and pigs, are quite superior to any thing in their neighbourhood. There is not a pauper on the property.

To what extent are the farms now subdivided?

The entire consists of about 800 Irish acres of pasture land, and about 750 of bog; it is subdivided pretty equally amongst 53 families at present; they are all dairy farmers; some have farms of 10, some 20, some as high as 40 or 50 acres.

When you refer to the insurrectionary spirit, you refer to the northern part of the county of Kerry?

Yes; in the month of September 1821, the tenantry were on the point of paying me a gale of rent, when one night, a considerable number of banditti descended from the neighbouring mountains, and some communications took place between them and the tenantry, the nature of which I could never completely ascertain, but which ended in their withholding the rent.

COL. W. S. CURRY,

Is agent to the Duke of Devonshire, and has the superintendence of his Irish estates.

In Ireland, it is the custom to have on every estate a person called "a driver," who is not in general intrusted to receive rents, but is employed principally in distraining, which is, in Ireland, synonymous with "driving," and who is so frequently engaged in driving cattle to pound, as to have derived his name from the

Commons,
15 March 1825.
Report, p. 305,

ons,
arch 1823.
n. 296.
n. 300.

occupation. On the Duke of Devonshire's estates in the counties of Cork and Waterford, the rents are in general well paid, because the lands are let on a fair calculation of their value. The Irish peasantry are grateful for any favours they receive, strongly attached to their families, and easily governed by reason. Witness is of opinion, that, from the habit now adopted of displacing tenants to consolidate many small farms into one, the population cannot be considered increasing.

. 310.

THE REV. JOHN KELLY, ROMAN CATHOLIC CLERGYMAN
OF MITCHELSTOWN,

ons,
5, 1825.
395.

THINKS that early marriages were a great deal more resorted to formerly than now; the number of marriages has diminished within the last seven years, in consequence of the depression of the times. Witness has remonstrated against the intention of persons to make improvident marriages, and, on the last Shrovetide, recommended his flock rather to pay their debts and their rents than "to provide for their children by marriage at the present moment."

THE MOST REV. OLIVER KELLY, R. C. ARCHBISHOP
OF TUAM,

ch 1823.
250.

HAS a general impression on his mind, that the returns of population, as contained in the late census, give a lower result than the truth. Cannot, however, state any particulars on which his judgment is founded, and believes that the enumeration in Mayo, in 1822, of persons relieved by means of public charity, exceeded the truth; has seen that the progress of population is rapid, both in consequence of the disposition on the part of landlords to subdivide their lands, that they may increase their political interest in the county, and also from the tendency of the poor to form early marriages, the females being married at 18 or 20 years of age, and the males at 30 and down to 22 and

351.

49.

21; has seen the consequences of these improvident marriages, in the multiplication of occupants on a farm which witness remembered able to afford ample subsistence to its original tenants, but which was so inadequate to the wants of the numerous families which, by intermarriage between the tenants, were in process of time congregated upon it, that they were forced to take land (on the conacre system) in the adjoining properties, in order to procure the means of subsistence. The priests do not, for the sake of fees, encourage these improvident marriages, but, on the contrary, remonstrate against them. They are the consequence of extreme poverty, which occasions an indifference to comfort, and a despair of improvement in condition. Where the people are more comfortable, they are less precipitate. Witness, in the year 1806, was appointed to a parish on the sea-coast of the county of Mayo, between the towns of Westport and Newport, where the people, by combining the operations of weaving, agriculture, and, at intervals, fishing, had full employment, and were possessed of comforts; observing their indisposition to contract improvident marriages, witness made inquiries to ascertain why the marriages were fewer there than among the poorer inhabitants of other districts, and was answered, that these persons, who were acquainted with comforts themselves, could not think of entering the matrimonial state, until they had the means of providing for a family.

Comm.
25 Mar. 1823,
p. 247.

p. 247.

WILLIAM GRANT, Esq.

FOUND the people in the remote parts of Ireland much more clean and comfortable than those in the neighbourhood of Dublin; was greatly struck by the improvement in appearance of the peasantry on a Sunday; when he saw them much better clothed than he expected.

Lords,
25 Feb. 1825.

JAMES GLASSFORD, Esq. Commissioner of Education,

Lords,
March 4, 1825.

FOUND many parts of Ulster, as he could collect from the best information, in a thriving and prosperous state; found the people comfortable and manufactures successful.

A. R. BLAKE, Esq. Commissioner of Education,

Lords,
March 2, 1825.
Rep. p. 140.

PASSED through 14 counties in the provinces of Leinster, Munster and Connaught last year, of which he had but little knowledge since 1805; is a native of Ireland, and perceives a great improvement in the appearance and habits of the peasantry. There has been of late years a spirit of improvement in Ireland, which has extended itself to the system of leasing: in consequence, there is less of sub-letting; and landlords adopt the precaution, although it is often nugatory, of inserting in their leases non-alienation clauses. Witness, as Chief Remembrancer of the Exchequer in Ireland, had opportunities of seeing that land was frequently let at too high a rate, and conceiving that this occasioned the great arrears of rent which appeared in the accounts of receivers under the courts, recommended, where it could legally and properly be done, that abatements, having a retrospective operation, should be made. The recommendation was attended to, and the rents thus abated are now paid with some regularity.

R. DE LA COUR, Esq.

Lords,
May 25, 1825.
Report, p. 908.

Is of opinion that, considering the population of Ireland to be seven millions, one million will be found to obtain a livelihood by mendicancy and plunder, and supposing each of these persons to obtain but one penny per day, there would be subtracted from the industrious or wealthy portion of the population, for the support of the unemployed, not less, annually, than one million, five hundred and twenty thousand, eight hundred and thirty pounds.

J. R. BARRY, Esq.

IN consequence of the encouragement given to the fisheries, commencing by an Act of Parliament passed in 1819, the condition of the very dense population on the coast of Ireland, in the counties of Waterford, Cork and Kerry has been much improved, and may be still further benefited, by collecting the population engaged in fishing into villages, and separating the employments of fishing, and agriculture.

Lords,
May 20, 1825.
Rep. p. 834.

p. 837.

REV. HENRY COOKE,
MODERATOR OF THE PRESBYTERIAN SYNOD OF ULSTER.

IN those parts of Ulster with which witness is best acquainted, particularly in the county of Down, distinguishing the peasantry into two classes—the farmers and the labourers, the former class are in the enjoyment of much comfort, and are very much improving; the latter more comfortable than they were formerly; there being sufficient employment furnished for all by agriculture and manufactures. These observations of witness apply to the counties of Antrim, Derry, and Down.

Lords,
March 18, 1825.

MR. HUGH WALLACE,
A SOLICITOR IN THE COUNTY DOWN.

THE yeomanry of the county of Down are in very comfortable circumstances. The small farmers, holding 8, 10 or 20 acres, are in many instances manufacturers also, and are in want of no comfort which their condition would seem to require; and the labourers, who rent from their employers, in general, a house and garden, and a small portion of ground for potatoes and flax, have, for the most part, constant employment. They are bound to work for their landlords for a settled number of days, and according to a stipulated rate. If their service be required on other days, the landlord employs them at such rate of wages as may be mutually

Comm.
March 11, 1825,
Rep. p. 148.

p. 149.

Comm.
Mar. 11, 1825.
p. 151.

agreed on. Of the tenants holding eight or twelve acres of land, witness has known persons, who, by their savings during the war-times, have accumulated sums to the amount of 1,000*l.* or 1,500*l.* and have now very comfortable houses. Witness does not believe the state of Antrim to be equally favourable with that of Down, but has not accurate information, and has not been in that part of the county Antrim in which the circumstances of the peasantry are said to be most comfortable. Has been in parts of the county Armagh, and considers applicable to them his statements respecting the county Down. In this latter county there is one mountainous district where there may be instances of extreme penury, but such are rarely to be found in the other districts; the tenants generally hold directly under the proprietor in fee.

A. J. KELLY, ESQ.

Comm.
May 3, 1825,
Rep. p. 506.

THE highest rate of wages given to labourers is, in general, 1*s.* 1*d.* a day, Irish currency; those who give employment during the entire year, pay only 10*d.* Great numbers of the lower classes obtain a livelihood partly by weaving, and in part as agricultural labourers. The highest sum which can be obtained by weavers is 7*s.* 6*d.* a week; the lowest, 4*s.* Employment in the labours of the field can generally be obtained; and, when it is more productive than labouring at the loom, it is sought for by the weavers. There is a great difference between the condition of tenantry on good land and in the mountainous districts, where severer poverty is felt. It is in those districts the Roman Catholic tenantry are principally found, and their misery is to be attributed to the circumstances of the place rather than to their habits. Protestants and Roman Catholics appear to be equally industrious and attentive to their occupations, and were never more so than they are at present.

THE RIGHT REV. THE LORD BISHOP OF DERRY.

THE city of London has considerable property in his lordship's diocese, at least three-fourths of the county of Derry; and the various companies are proving themselves excellent landlords. The Drapers' company are expending very large sums of money greatly to the advantage of the country; the Fishmongers' company are also expending money; and the Grocers' company are expending money very liberally and very judiciously. There are charitable loan societies in the diocese of Derry, which have been very useful. Within the last 12 years 20,000*l.* has been lent, and 20*l.* has not been lost.

Lords,
Mar. 25, 1825.
p. 448.
p. 457.

p. 448.

p. 450.

HIS GRACE THE ARCHBISHOP OF ARMAGH.

THE establishment of savings banks has rendered great service to the country. In that which was established at Armagh, not more than five years since, 20,000*l.* has been lodged, all in small sums, and habits of sobriety and diligence have been wrought in the minds of the people, very much through the instrumentality of these banks. The subdivision of land in the county of Armagh, is occasioned, in a great measure, by the habit of dividing farms between the children of the occupant. There are few middle men in his grace's diocese. In the counties of Armagh and Tyrone, the people depend much on their employment as manufacturers for a livelihood, and have therefore less hesitation about subdividing their farms.

Lords,
April 26, 1825.
Report, p. 589.

p. 588.

HIS GRACE THE ARCHBISHOP OF CASHEL.

THE gratitude of the Irish poor is great. They are accustomed to act from immediate feeling and impulse, and very much disposed to receive every favour with a respectful gratitude, almost bordering on excess. I do not consider them (his Grace observes) as what I have often heard them called, an unhappy

Lords,
Mar. 25, 1825.
Report, p. 447.

people, for they appear to be the happiest I ever saw. Their cheerfulness is remarkable; and with respect to their mode of living, I confess I do not know, whether they are not as well off, and even better, than some of the poor peasantry of England. They generally have as much food as they want, such as it is, when they can get employment, and their children appear stronger than the children here. It is true they usually go barefooted and their cabins are miserable, but they seem happy; and their humanity towards each other is very great. A poor woman was, last summer, enabled by the gift of half-a-crown which she solicited, to go from Căshel to the sea with her child, a distance of more than forty miles; and by the charitable aid which she obtained, particularly from the Sunday collections of the parish, upon producing a note from the clergyman of her own parish, as to her character, she contrived to subsist there with her child for six weeks.

CHAPTER II.

*Population :**Proportion of Protestants to Roman Catholics.*

DANIEL O'CONNELL, ESQ.

CANNOT speak with any thing like certainty or precision on the subject of the relative population of Ireland ; imagines the amount of the entire, as given in the census ordered in 1821, too low ; forms his opinion from having learned, that in the county of Mayo the number of persons relieved in 1822 exceeded the number returned in the census as the population of the entire county, by 11,000 ;^a imagines that the entire population of Ireland should be rated at eight millions, and of these, conceives that the Protestants are much less than one million, of whom half belong to the Established church ; is, however, almost entirely ignorant of the north of Ireland, insomuch as not to know what are the counties in which the Protestant population forms the highest proportion ; his knowledge, such as it is, derived altogether

Comm.
1 Mar. 1825.
Report, p. 76,
77.

^a The argument on which the witness's opinion rests, has been, as the reader may recollect, disputed by Dr. Kelly, who declares himself not disposed to attach any credit to the returns of the number of poor relieved in the year 1822. From personal observation, the editor can add his testimony to the same effect. A notion had gone abroad that, in proportion to the number of persons in each family, the distribution of food was to be regulated. In consequence, wherever the visitors were unacquainted with the people to whose houses they came, frequent attempts were made to impose on them exaggerated accounts of the numbers who needed relief. The Editor in some instances detected attempts of this kind, by obtaining contradictory reports from different members of the same family, and found on enquiry that the endeavours to misrepresent were so general, as to justify fully the impression in the mind of Dr. Kelly, and to show that Mr. O'Connell's opinion has no proper foundation to rest upon.

from communications made by the Roman Catholic clergy, and from reading the 'statistical surveys of Mr. Shaw Mason,

A. R. BLAKE, ESQ.

Comm.
25 Feb. 1825.
Report, p. 38.

DOES, not conceive his opinions entitled to any authority, but imagines the Protestants may be to the Roman Catholics in the proportion of one to five.

J. GLASFORD, ESQ.

Lords, p. 121.
4 March 1825.

CANNOT speak with accuracy; thinks the Roman Catholics predominated considerably in Monaghan and Fermanagh; about Eniskillen, heard they were four to one.

WILLIAM SHAW MASON, ESQ.

Lords, p. 475.
15 April 1825.

HAS been much employed in statistical enquiries; was engaged in taking the late census, which he considers very accurate;^b found the Roman Catholic clergy very efficient promoters of the object, and feels indebted to Dr. Troy for addressing a pastoral letter

^b The agents employed in this census were of opinion, that their remuneration would depend on the number of names which they had taken.

^c (Copy.)

POPULATION OF IRELAND.

Letter from Dr. Troy to the R. C. Bishops.

Rev^d Brother,

Dublin, May 23, 1823.

The object of the letter I now address to you, is to draw your attention more strongly to a subject, on which we had a communication at our meeting; the proceedings now about to be taken to obtain an accurate account of the Population.

Although it be desirable that our thoughts should be drawn away as little as possible from the more important concerns with which they should be chiefly occupied, yet the more I reflect on this subject, the more strongly I am impressed with its importance, and the consequent necessity of observing its progress, and of using our best endeavours to have it accomplished in the manner most beneficial to the great body of the people.

The necessity of ascertaining the amount of the population

desiring them to assist; thinks the success of his plan very much owing to the conciliating spirit in which it was conducted, and that the people in general afforded every facility, because he instructed them that measures beneficial to them were likely to result from the work in which he was engaged; in the progress of taking the census, did not make any effort to ascertain the relative numbers of Protestants and Roman Catholics, but in forming a parochial survey he obtained from the established clergy of 300 parishes, returns, according to which it appears, that in these parishes the proportion is, that Protestants are to Roman Catholics as one to three and a sixth; does not, however, consider this partial survey as affording a fair view of the subject, but thinks, that from the returns already obtained, it would not be difficult to ascertain the exact number of persons of all denominations.

as a preparatory step towards securing the success of any ulterior measure of practical utility to the country, is now universally recognized. The conciliatory disposition of the government, and the friendly sentiments so openly and unequivocally avowed by it towards us, afford strong assurances that it is now undertaken solely with a view to this its only legitimate object; and therefore that, if properly supported, it may be the happy means of leading to the internal welfare of a people, of whom so large a proportion is entrusted to our charge.

It cannot but be known to you, that the lower classes are apt to view with a suspicious eye, any new measure which appears to affect them, and may be apt, therefore, on the present occasion, to throw obstacles in the way of its execution. Interested as we are, both by duty and practice, to promote a peaceful and orderly submission to the laws among our flocks, even in cases which we cannot but feel to militate against their more serious interests, it is my wish on the present occasion, to point out to you the propriety of recommending to the several orders of the clergy, to impress on their respective flocks the true objects of this measure, and how they can best promote it, by supplying the persons appointed to take the account with the necessary information, readily, and with goodwill. By adhering strictly to this line of conduct, we will

REV. HENRY COOKE,

Comm. p. 360.
29 Mar. 1825.

IS of opinion, that the extent of the Protestant population has not been accurately ascertained; knows that, in places where few Protestants were supposed to reside, considerable numbers were found on making proper enquiries; Protestants, not paying dues, being of different denominations, and, in many instances, from mistaken feelings of decency not attending public prayers, may remain unknown to ministers not very zealous; after much research, estimates the number of dissenting Protestants at 745,000, and thinks those of the established church nearly amount to the same number, but cannot speak with any certainty on the subject.

J. R. McCULLOCH, ESQ.

Lords,
8 June 1825.
p. 826.

FROM the Education Report, and according to the best rules of calculation, estimates the proportion between Protestants and Roman Catholics as one to

deprive gainsayers of any opportunity of misrepresentation. If the measure itself be followed up in the manner in which all true friends of the country wish, and which, as I have already intimated, the disposition and pledges of the government give us reason to expect, we shall have the satisfaction of reflecting, that we have not been deficient on our part towards the attainment of a result so desirable; and if our expectations should not be fulfilled, we shall still have the consolatory reflection, that in this, as in other more trying cases, we shall have done our duty.

The details of the measure have been entrusted by Mr. Grant, the chief secretary, to Mr. Shaw Mason, who, from his previous statistical inquiries, and his knowledge of the country and people, seems well qualified to execute his office with accuracy and judgment. A letter has been forwarded by him to the clergy throughout Ireland, which I trust will meet with the attention the subject merits, and that all the assistance and information will be given that they can with propriety afford.

I remain, Rev. Brother,
Your most humble servant in Christ,
J. T. Troy,

four and a third ; the accuracy of his conclusion he makes to depend on the truth of the following postulates :

1. That the population has continued to increase since 1821, in the same ratio as in the 11 preceding years.^d

2. That the number of children educated and reported by the Commissioners of Education will be to the entire population in the church of England* as 1 to 10.

^d From the evidence contained in the preceding chapter, the reader may determine whether this assumption of Mr. M'Culloch be correct. It has been stated by clergy of the church of Rome, that the system of early marriages has been checked, and that the number of marriages has of late considerably diminished. It has been stated, by landlords and agents, that violent means have been adopted to remove from various properties the population by which they were encumbered, and it is conjectured, that, in consequence, the population of Ireland is not increasing. The reader can judge between the arguments and conclusions of witnesses personally acquainted with the people of whom they speak, and the opinions of a witness who reasons merely from abstract principles, and who confesses himself unacquainted with the circumstances which may now be in operation to limit the application of any general laws.

^e If Mr. M'C. had been acquainted with the state of Ireland, he would not have assumed such a proportion as the above, or he would have endeavoured to refute the objections which may be urged against its correctness. Even at the hazard of being thought tedious by persons acquainted with Ireland, the editor will venture to state what some of these objections are. In the first place, the Protestant gentry in Ireland are much more accustomed to send their children to English schools, than the gentry of the Roman Catholic persuasion ; and although the number of children withdrawn from Ireland may not be in itself considerable, yet it may very materially alter the nature of a "Proportion ;" and secondly, Domestic instruction is more usual, especially for female children in Protestant families, the schools attached to nunneries rendering the thought of the public education of females familiar to the minds of Roman Catholic parents. These two circumstances have long been in operation, but of late years the number of Protestant children at schools has been diminished by the operation of other causes, of which the Editor will state the following :

In the Presbyterian congregation, as 1 to 12.^f

1. The pecuniary difficulties, by which the Irish gentry were embarrassed, in consequence of which many parents were constrained to undertake the education of their younger children themselves, or to commit that trust to an elder brother.

2. The facility of procuring^g private tutors at moderate salaries was much greater than it had been, in former years, when young men had larger means open to them of engaging in more active employment.

3. The practice which the cheapness of education in the Dublin university has encouraged, and which has latterly become so general, of placing a young man's name on the college books, because no more eligible employment of his time was attainable than in collegiate studies, tended to diminish the number of pupils in the public schools, an arrangement being frequently made, that the elder son should not reside at the university, but should have, at home, the assistance of a private tutor, from whom the younger children also might receive instruction.

4. The successful adoption of navigation by steam has greatly promoted an intercourse with England, and has removed from the minds of many Irish parents a strong objection which they formerly entertained against sending their children to English schools, in some of which they would be educated on cheap terms, and in some would have an opportunity of forming, as the parents imagine, useful connections.

The operation of these and similar causes was very sensibly felt in diminishing the number of Protestant pupils in the Irish schools; indeed to such a degree, as, that—admitting the principle on which Mr. M'Culloch reasons, namely, that (as he infers from the Breslau tables and the Scotch returns) the number of children in education in a country are one tenth of the entire population;—it might fairly be contended, that one half of the Protestant children in education in Ireland were not enumerated in the Commissioners report. Under these circumstances it cannot well be considered just to apply to the calculation of the Protestant population of Ireland an abstract principle, which, if it were *fairly* applied in the year 1824, would have led to most erroneous conclusions, if calculated from some years before.

^f It is not easy to imagine any reason for supposing the number of Presbyterians in education less than those belonging to the church of England, in proportion to the number of persons in Ireland professing either form of religion. No such inference can be drawn from the nature of the Presbyterian system, or from the evidence of its ministers.

Among the Roman Catholics, as 1 to 16.⁵

Mr. M'C. is not acquainted with Ireland by observation, but concludes from general principles, that his postulates are reasonable.

p. 817.

⁵ With respect to this fourth postulate, it may be said, that it is still less justified by the circumstances of Ireland, than any of the former. The causes already enumerated, as tending to diminish the number of children at public schools, could have affected only the upper and middle orders, and must therefore have been much more sensibly felt among the Protestants of whom these orders constitute so large a proportion, than among the Roman Catholics. With respect to the inferior classes, it is worthy of remark, that the facilities of obtaining instruction in public schools, and the consequent increase in the number of pupils attending, are found to form a decided contrast of late years to the circumstances in which the gentry were placed; insomuch, that while schools for the gentry were disappearing and declining over the face of the country, in every little village there started up some establishment deriving aid from the Kildare-street fund, or the Association fund, or the Hibernian Sunday School Society. Any person in the least acquainted with the ambition felt by the Irish peasantry, will readily understand, that the advantages thus offered would be seized on with avidity; and although in some instances, means might be employed to counteract the seductions of these new intruders, yet it was invariably found, that the most effectual mode of resistance was that of setting up some rival seminary, which, whatever its pretensions might be, was reported to the Commissioners of education as a school, and had the children who came to loiter out the day within its enclosure dignified by the name of pupils. In the last year the zeal of the Roman Catholic clergy manifested itself in great exertions to promote the education of their congregations. In consequence of some observations made in the House of Commons, in a debate on the state of Ireland, by which the clergy of the church of Rome felt themselves aggrieved, they, in compliance with a requisition from the "Catholic Association," furnished accounts to that body of the number of children educated in their respective parishes; and from these accounts compared with the state of the population, it would appear, that Mr. M'Culloch's principle is exceedingly erroneous, and that so far from finding the Roman Catholic children in education the sixteenth of the population of one religious persuasion, they would be found to be a twelfth (in many cases) of the people of all religious denominations. The Editor offers

J. LESLIE FOSTER, ESQ.

Lords,
23 Feb. 1825.
p. 59.
20 May, p. 813.

A PANIC has been felt respecting the increase of population, and those interested in the land have applied so violent correctives, that the number ascertained by the census of 1821 (which was very accurate) has not materially increased since; is of opinion, that the Presbyterian

two cases of this kind. The Roman Catholic Bishop of Kerry, Dr. Sagrue, states, that the Roman Catholics in education in that county amount to 19,200, little less than a tenth of the entire population, which consists of 205,037 persons, and in which there are many respectable congregations. It may be said, perhaps, that in Kerry, education is more generally diffused than in other counties, and that it should not in consequence be taken as a specimen. But in the county of Clare, in four parishes, in which the parish priest complains of the miserable state of education, the population is given as 20,000, the number of pupils in schools 1,712, and a number of not less than 3,000 receiving occasional instruction. (*Dublin Ev. Post*, May 20, 1824.)

It may, however, be said, that these returns to the Association may have been inaccurate, and may not have been fairly reported. The Editor therefore selects from the evidence before the Parliamentary Committees, more satisfactory information. Doctor Kelly, Roman Catholic Archbishop of Tuam, states (Lords 592), that "there are great exertions made to promote education in his diocese; thinks the greater part of the present generation know how to read." Lord Kingston states (Lords 705), that "the greater part of the people can read and write;" which is almost equivalent to a statement, that "all of the present generation are instructed;" and Mr. Robinson (Com. 20) states, that "he found the lower orders of the Irish much more intelligent than he expected, that most of them could write, and calculate their allowance of rations to the eighth part of an ounce."

If these statements be allowed to have their proper weight, and if it be taken into account that, as stated by Mr. Donellan, (Lords 610-613), "the Roman Catholic priests were exceedingly anxious to impress the Commissioners of education inquiry, with an idea of their power and their activity;" it is not unreasonable to expect that a conclusion very different from that which satisfied Mr. McCulloch, will be drawn by those who, in reasoning from abstract principles, pay sufficient attention to those adventitious circumstances by which their application may be occasionally restricted.

population are as generally instructed as the members of the church of England, and therefore, that the number of Protestants can be ascertained without exciting jealousy, by obtaining from the Presbyterian clergy (what they can easily furnish) an accurate census of their respective congregations, and then assuming a fourth proportional to the number of Presbyterian children at school, the number of Protestant children, and the ascertained Presbyterian population. Mr. F. has constructed tables from the Education Report, from which the relative population may be ascertained with considerable accuracy. According to the accounts furnished by the Protestant clergy, the number of children attending schools was as follow :

Lords,
20 May 1825.
p. 812.

| | |
|--|---------|
| Belonging to the church of England - - | 91,026 |
| Presbyterians - - - - - | 43,236 |
| Of other denominations - - - - - | 3,308 |
| Roman Catholics - - - - - | 357,249 |
| Children whose religion has not been stated, | 3,822. |

According to this report, the Protestant children attending the schools would be to the Roman Catholic as 1 to $2\frac{1}{4}$; and supposing the census of 1821 to be correct, and applicable to the present time, the amount of the Protestant population would be 1,963,487; that of those whose religious profession is not ascertained, 59,847; and the Roman Catholics, 4,778,493.

| | |
|--|---------|
| The return by the Roman Catholic clergy represents the children of the Established church attending schools at - - - - - | 83,179 |
| Presbyterians - - - - - | 33,707 |
| Of other denominations - - - - - | 3,794 |
| Roman Catholics - - - - - | 397,177 |
| Religious denominations not stated in returns - - - - - | 4,121; |

and the proportion would be as 1 to $2\frac{1}{4}$; the entire

population being, Roman Catholic, 4,980,209; Protestant, 1,769,902; unknown, 51,716. Mr. F. thinks his conclusions a very close approximation to the truth, the returns having been given in on oath, and the inferences drawn on just principles; he reasons on the supposition that the numbers of Protestant and Roman Catholic children attending schools will be proportionable to the general population of each class; is convinced that the number of Roman Catholic children is not less, and is probably greater in proportion to the number of the entire body than that of Protestants; has been convinced of this by his observation, and by finding that the children attending schools bear a higher ratio to the entire population in the Roman Catholic than in the Protestant province, the proportion being as follows; the proportion of children in education to the entire population—

In Ulster - - - - - 1 to $15\frac{1}{8}$

In Munster - - - - - 1 to $11\frac{1}{2}$

In Leinster, which is more Protestant than Munster, but less so than Ulster - - 1 to $12\frac{1}{2}$
 From this it is reasonable to infer, that the Roman Catholic children attend the schools more generally than the Protestants in the three provinces named, and the returns from Connaught are too inaccurate to afford a proper basis for reasoning. Upon the whole, Mr. F. concludes, that the proportion of Protestants to Roman Catholics in Ireland is something between 1 : $2\frac{3}{4}$, as it would be according to the returns made by the Protestant clergy, and 1 : $2\frac{1}{2}$, as would be the result of the Roman Catholic returns; a proportion which, he observes, is very little different from that which is given by Sir William Petty.

REV. M. O'SULLIVAN.

Lords,
 May 20, p. 816.
 p. 817.

Lords,
 25 May, 1825.
 p. 836.

IN the South of Ireland, Protestantism is increasing in the towns, but declining in the country parts, from the

following causes: 1. Protestants emigrate. 2. They marry into Roman Catholic families. 3. They have not equal assurance of safety; and, 4. (according to the observation of witness) they did not appear an object of equal consideration to the land proprietors or agents.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

NUMEROUS applications have been made to the Board of First Fruits to grant sums for the building of new churches, and have, from want of means to meet the demand, been rejected; wherever new churches are erected, and efficient clergy provided, congregations are found or created, although previously there had been an opinion that there were no Protestants in the place. His grace has actual personal knowledge of the North of Ireland, the diocese of Dublin, and, in the South, Cork, and has not heard of any place in which an active and efficient clergyman has been appointed, and accommodation provided for a congregation, where a good one has not been drawn together. In Dublin, the congregations appear rapidly increasing, and the demand for church room appears to be advancing in the same proportion with the efforts which are made to meet it. Many new churches have been built, and even in neighbourhoods where at first some doubt was expressed as to the probability of obtaining a congregation; yet the result has been, that these new churches are some of them crowded to excess, while the churches in their neighbourhood have experienced no diminution whatever in the numbers which attend them. In Ireland, it is the practice to make collections for the poor in the churches, and these contributions have been of late considerably increased, which, as the same individual generally gives the same sum, must be owing to the increased numbers

Lords,
29 April.
p. 626.

p. 627.
p. 628.

p. 629.

Lords,
29 April.
p. 629.

who contribute. Another instance of the increased number of Protestants might be furnished from the number of communicants at any of the great festivals. His grace has found on calculation, that the number who receive the sacrament at any given festival in Ireland are, to the entire number of Protestants as 1 to 10. The reasons why the proportion is so low are (independently of the obstacles from age and infirmity, and from the too general indisposition to spiritual things in all men), as they respect Ireland, partly these:—

1. Many persons who have received the sacrament but a short time (a fortnight) preceding the festival, cannot perhaps from bodily infirmity attend on a day when they are apprehensive that great numbers may communicate;
2. Many who have attended at Christmas do not think it necessary to communicate at Easter;
3. And the poorer Protestants, who entertain a very strong sense of decency, however mistaken it may be, will not, if their clothing be very bad, attend the sacrament on a day when the number of communicants is so considerable. These considerations satisfy the archbishop that his calculation is correct, and that not more than one Protestant in ten receives the sacrament in a church on any given festival; and, having obtained a return of the numbers who communicated in the Dublin churches at last Easter festival, and which amounted to nine thousand, his grace concludes that the Protestants belonging to the church of England in the city of Dublin alone are not less than ninety thousand.

p. 630.

The observations here made are intended to apply principally to the upper and middle ranks. The churches in Ireland have been constructed on a bad plan; too much space allowed for private pews, and not sufficient for the accommodation of the poor. But the Protestant poor too, are found to be numerous; and, upon a search

lately made, the number of Protestants discovered among the poorer classes surprised the enquirers. There was and is in Ireland much of what might be called "latent Protestantism," and this is now beginning to become ostensible in proportion as the clergy exert themselves, and as the gentry give encouragement, which latterly they have in many places thought it expedient and becoming to give. Beside the increase of ostensible Protestants from the discoveries made among the poorer classes, and the zeal for religion excited by a more active clergy, the Protestant congregations are increased also by converts from the church of Rome. A spirit is abroad very favourable to the diffusion of scriptural knowledge. Protestant ministers have entered into the work of controversial preaching, and, on occasion of such sermons, their churches have been crowded, and in a great measure by Roman Catholics. The late biblical discussions, too, have awakened a strong interest with regard to the Scriptures, which has been evidenced by the increased sale of Bibles within the last year, and by the conduct of many Roman Catholics, who insisted on their right to read the Bible, and who, in Carlow, attended lectures delivered by Mr. Pope (one of the Protestant clergy engaged in the discussion) to the number of from two to four hundred. The conversions to the church of England are not made matter of public notoriety, because of the feeling in which converts are regarded by the Roman Catholic people, but many take place, and the archbishop concludes that there is a strong spirit favourable to the church of England abroad, both from the greatly increased circulation of Bibles and religious tracts, and also from the class of persons who have shown themselves desirous to renounce the errors of the church of Rome, *many of its priests having expressed this desire to his grace*, and some having become sincere converts, although they were instructed

p. 635.

p. 627,

p. 641.

p. 639.

p. 640.

p. 631.

p. 632.

that no equivalent of a temporal nature could be promised them in return for the pecuniary sacrifice they were about to make, and although the act of Parliament which secured an annuity of 40*l.* to a conformed priest has not for many years been in operation.*

* It is remarkable that in the preceding summary of evidence, in proportion to the opportunities of knowledge which the witnesses respectively had, so does the Protestant population appear to increase. Mr. O'Connell, who is (as he states) totally ignorant of the North of Ireland, considers the Protestants considerably less than a seventh of the Roman Catholics. Mr. Blake who, from the nature of his employment must necessarily be more generally acquainted with the state of Ireland, but who yet attaches little weight to his opinion, concludes them one-fifth. Mr. McCulloch, who has studied the subject of population, but who has no information respecting Ireland, except what he has derived from books, considers them more than a fifth, but less than a fourth. Mr. Shaw Mason, whose opportunities of information were extensive, but who has yet only partially exerted himself to estimate the relative population, whose returns were principally from country parishes, and who does not attach much importance to his conclusions, regards them as more than a fourth, less than a third; and Mr. Leslie Foster, who, as he states, has a personal knowledge of every part of Ireland, and who can check the result of his calculations by observation of their agreement with the actual state of things, compares the Protestant population to the Roman Catholic, as 1 to a little more than $2\frac{1}{2}$.

*The following Tables were given in Evidence by
J. L. Foster, Esq.*

CHAPTER III.

Nature and Character of the Disturbances in the South of Ireland.

FRANCIS BLACKBURNE, ESQ.

IN the district in which witness administered the Insurrection Act, the peasantry he believes had, universally, taken an illegal oath, and had, by confederating together, arrived at such a degree of force and authority, that the dominion of property was very much encroached upon. The system of terror was so extensive and so efficient, that landlords could not avail themselves of the remedies with which the law provided them, and that the number of those engaged in actual outrage was very much increased by the effects of intimidation.

Lords,
May 18, 1824.

Report, p. 3.

p. 15.

MAXWELL BLACKER, ESQ.

IN the four northern baronies of the county of Cork, in the summer of 1823, outrages were continually perpetrated of the most flagrant nature, murders and robberies were frequent, cattle were houghed, obnoxious persons were severely beaten, threatening notices were served, the houses of the gentry were barricadoed, and at night, the flames of burning houses—seven, eight or nine—were to be seen in different parts of the country. In the county of Tipperary, where the Insurrection Act had been promptly applied, the disturbances had not arrived at such a height. In Cork there was much system and arrangement; committees sat to determine whether any particular act of violence should be committed, and if their

Lords,
May 18, 1824.
Report, p. 21,

p. 19.

Lords,
May 18, 1824.
Report, p. 34.

decision were affirmative, the execution of the decree was entrusted to persons who lived at a distance from the scene of outrage, and who were consequently less likely to be known; while a few men from the neighbourhood accompanied them, concealed under some disguise, and served as guides on their way, and directors of the atrocity which they were appointed to perpetrate.

JOHN LLOYD, ESQ.

Lords,
May 28, 1824.
Report, p. 198.

p. 204.

IN 1822, when the Insurrection Act had been applied to the county of Cork, witness found that the outrages which continued to take place were occasioned by a determination to resist the laws, when applied for the recovery of rent or tithes; was of opinion, that farmers could give much useful information respecting the conduct of their dependants, but never saw them come forward as witnesses against persons tried under the Insurrection Act.

G. BENNETT, ESQ.

Lords,
May 19, 1824.
Report, p. 38.

p. 43.

p. 51.

May 24, 1824.
Report, p. 105.

IN the King's County and county of Kildare many outrages were committed, directed principally against property and against persons who had given information or were suspected of an intention so to do. Whatever the character of the disturbances may originally have been, they are now strongly tinged with religious animosity. The peasantry are taught to consider themselves oppressed by the church establishment, and publications are circulated in a cheap form, encouraging them to expect a change. Witness refers particularly to the prophecies of Pastorini; submits also as evidence a paper found on a man taken prisoner under the Insurrection Act, containing certain oaths and tests, in which allusion is made to circumstances in the rebellion of 1798 as connected with the late

disturbances, and which contains expressions of hatred against Protestants, and intimates a hope of assistance from France.

MAJOR R. WILCOCKS,

IN the summer of 1822, received information that money had been sent from England for the purpose of fomenting the disorders in Ireland. A house was opened in Limerick as a place of rendezvous, where persons who came to be sworn, and those who brought them in, lived at free cost while they remained there. Upon the Queen's death, it would appear that no more money came from England, and the people in the county of Limerick imagining that the committee in Dublin appropriated to their own use whatever remained, became indisposed to act as instruments of the conspiracy. The man who gave this information was murdered. The disturbances were at one period encouraged by the farmers, and when there appeared a prospect of suppressing them, they were excited anew, by a proclamation which issued from the commons of Rathkeale, directing that no man should retain more than one farm. Witness is of opinion, that the movers of the conspiracy were persons of a superior order to the known agents, but those who were punished were generally poor and ignorant. There seemed to be a disinclination to engage in the disturbances where the people had any comforts; as, for example, in the western parts of Limerick, where there was most disorder, the people were exceedingly distressed, suffering much greater hardships than were experienced in the eastern parts, which were comparatively tranquil; and while stationed at Carrick (on the borders of the counties of Kilkenny, Waterford and Tipperary), witness had an opportunity of seeing that the only part of the country (of any great extent) which was undisturbed, was the Besborough estate,

Lords,
May 21, 1824
Report, p. 99.

p. 98.

p. 99.

p. 98.

Lords,
May 21, 1824.
Report, p. 97.

p. 100.

and on riding through these lands to ascertain the causes of their tranquillity, he found the tenants in the possession of much comfort. The poorest classes and those who were least acquainted with comforts were the instruments of disturbance; they had entered into a combination against rents, tithes and taxes; they formed occasional combinations for particular purposes, and bound themselves by oaths to be true to each other; but beside these definite obligations, there was an oath administered through the country, of which those who bound themselves by it did not well understand the object—it was, “to be ready when they were called on.” Pastorini’s prophecies were extensively circulated, and they exercised, in Limerick particularly, a powerful influence over the minds of those to whom they were read or distributed.

MAJOR WARBURTON,

Lords,
May 26, 1824.
Report, p. 133.

p. 141.

p. 152.

p. 143.

Two baronies of the county Clare, adjoining the county of Limerick, had been placed under the Insurrection Act. About four years since a system of organization was introduced into these baronies, which has continued in operation from that period. It is called the Ribbon System, and is to be distinguished from those disturbances which are occasioned by the transfer of lands and by other local causes. The objects of the conspiracy entered into by ribbonmen are to establish the Roman Catholic church and extirpate Protestantism, and to separate Ireland from Great Britain; and as an inducement to the people to unite with them, they have promised, that when successful, they will establish a kind of Agrarian law, and make an equal division of all the property over which they shall have acquired dominion. To excite attention to their views, and encourage the peasantry to embrace them, extracts from the prophecies of Pastorini were circulated through the country in a cheap form, and the circulation of them has been

attended with such success, that a very general expectation was created of some great change which was to take place in the year 1825. The propagators of the ribbon system avail themselves of any local disturbances for the purpose of introducing their own principles, and it is invariably found, that where disturbances are of long continuance, they lose their desultory character, and are methodised into a political organization. The outrages are of three kinds; some arising out of motives of private revenge; some perpetrated for purposes of intimidation; and some directed, on the principle of the ribbon system, against Protestants. These last-named outrages, and the apprehensions so generally entertained of the effort to be made in the year 1825, have caused many Protestant farmers from the county of Limerick to emigrate. It was in the year 1820 witness became acquainted with the ribbon system, and it has continued in operation since that time, with but one short intermission, which occurred at the time of his Majesty's visit to Ireland, when, in consequence of the death of the late Queen, the conspirators imagined that the English radicals would withdraw from them a support on which they had previously relied, and leave them without a power of accomplishing their designs. Witness places much reliance on the information he received, because it was corroborated by the result of his most diligent inquiries, and because the two persons who gave him his most particular information, were murdered, under circumstances which intimated that their deaths were in consequence of the communications they had made. Two papers sent down from Dublin came into the possession of witness; one containing the ribbonman's oath (*of which the objects are already mentioned*), and the other containing the system of organization. No individual was to swear more than thirty-six persons, who were to be considered a body within themselves, and were to have a com-

Lords,
May 26, 1824
Report, p. 142

p. 160.

p. 140.
p. 141.

p. 146.

p. 154.

p. 153.

p. 146.

Lords,
May 26, 1824.

Report, p. 149.

p. 151.

mittee-man, a treasurer and secretary belonging to them. The committee-man was to communicate with the committee-man of another lodge, but no one of the thirty-six knew any thing beyond his own particular circle. The committee-men of the various lodges assembled occasionally in Limerick, and met the delegates sent down from Dublin, to whom they were perfect strangers, and of whom the same man never came down more than once. At one of these committees, at a time when the Insurrection Act was in successful operation, it was proposed that, as there was little to encourage them, and as the measures of government were so strong, they should abandon their designs and permit the disturbances to cease; but on the other hand it was contended, that as the time was near when the prophecies were to be fulfilled, they ought to wait for it, and until that time had passed over, they would not yield to those who wished them to give up their arms, but would retain them still. Whatever be the explanation, it is certain that, of arms collected to a very considerable extent (though not in such abundance or of such quality as to make an insurrection formidable), the quantity given up is very trifling indeed.

MAJOR POWELL.

Lords,
May 27, 1824.
Report,

p. 175.

p. 170.

IN the disturbed districts of the county Kilkenny, where the Protestants living in the country are generally of the higher classes, the outrages have been (during the time of witness's inspectorship) directed invariably against Roman Catholics, who had taken land for the purpose of reletting, or who occupied farms from which the preceding tenants had been displaced against their will. According, however, to the report of one of his chief constables, the outrages give a very imperfect view of the state of the country; in which political disorder is advancing to maturity, where a very general expectation is entertained of a speedy rising, and where

an oath is very extensively administered, of which one object is the massacre of all Protestants. Witness has seen many copies of the oath, and has found the same object mentioned in all of them. It is also to be observed, that in the barony of Galmoy, where outrages were most frequent and atrocious, there was scarcely one resident gentleman.

Lords,
May 27, 1824.
Report, p. 177,

p. 185.

W. W. BECHER, ESQ.

THE district of the county of Cork, which was most disturbed, is that in which the resident gentry were most numerous. In this district in consequence of the greater demand for labour, the population had become very dense; and when from the fall of prices, and the difficulty of procuring their rents, which had for some time been considerable, the gentry had been constrained to diminish the number of labourers whom they employed; the country became harrassed by the outrages of a disorderly population, from whom the means of subsistence was withdrawn. The circumstances of the times, however, rather accelerated than occasioned the disturbance. The people had been previously prepared for insurrection, which broke out before their plans were fully matured, and of which the objects were to overturn the government, and to subvert the Protestant establishment. For advancing these objects, the promoters of them took advantage of the state of the country and the feelings of the people; and in a very lawless district (consisting of parts of the counties of Cork and Limerick) were extending their conspiracy, and organizing a regular system. In various parts of this district, committees were formed, over which, a person called a committee-man presided, and was a species of dictator. The various committee-men corresponded with each other, and, as witness understood, established their headquarters at Newcastle, in the neighbourhood of the Courtenay estate, where the tenantry were represented

Lords,
June 2, 1824.
Report.

p. 253.

p. 254.

June 1, 1824.
Report, p. 234.

p. 235.

June 2, p. 255.

p. 254.

as having strong ground of complaint against the agent, who refused to ratify promises made by his predecessor, and on which the tenantry entirely relied. The insurgents in this district, who were confident, in consequence of their habitual resistance to the laws, had determined on coming down from the mountainous country they inhabited, and joining the disturbers in the southern and more cultivated parts of the county Cork. Newmarket was in their way, and they assembled in great numbers to attack it, but were repulsed by a small military party. About the same time attacks were made more to the south, at Mill-street and at Macroom; and having been defeated in all their efforts, and finding the direct line of communication occupied by the military, the insurgents in the barony of Duhallow (in the north) endeavoured by proceeding to the east of the county (to the neighbourhood of Doneraile, Mallow and Fermoy), to make their way to those who were disturbing the south. Their object was, had they succeeded, to compel the inhabitants of the country through which they passed, to unite with them; and it was their habit not to make these men the instruments of outrage in their own neighbourhood, but to employ them in disturbing distant parts of the country. The witness is confident, that these plans were not contrived by the peasantry themselves, and that there were some prime movers, who have not yet been discovered, and who were very much disappointed, that their purposes should have been defeated, by a premature and ineffectual explosion. During the winter which followed this attack on Newmarket, the country was in a very convulsed state at night, although by day apparently tranquil. By night, signal fires could be observed in various directions, and many other symptoms of an approaching insurrection, while the peasantry, when questioned on the objects to be attained, would reply, that these were subjects upon which they could not

Lords,
June 1, 1824.
Report, p. 246.

June 2, p. 254.

June 1, p. 244.

Lords,
June 4, 1824.
Report, p. 247.

speak without exposing themselves to dreadful consequences. During all this time, even in the day, notwithstanding the seeming tranquillity, the gentry were obliged to keep their houses barricadoed; but at length the Insurrection Act produced its effect, and the outrages when committed, assumed a new character, being no longer the effects of an extensively organized system, but the acts of individuals, or of the desperate gangs into which the conspiracy had been broken up; information, too, respecting the disturbances, though still difficult to procure, became somewhat more attainable.

Lords,
June 1, 1824.
p. 248.

p. 248.

J. L. FOSTER, ESQ.

THERE is in the south of Ireland an uncultivated hilly country, extending over 800 square miles of the counties of Cork, Limerick and Kerry, destitute of resident clergy and gentry, and in which there was not, in the year 1821, a single road passable for a wheel carriage. In that year, the preventive guard had given an effectual check to the system of smuggling, which had been extensively carried on in the south-western promontory of Ireland. The smugglers deprived of their ordinary resources, betook themselves to the waste uncultivated district above named, and became there a very formidable banditti carrying on their depredations, not within the district where they found shelter, but on the cultivated country which bordered it, and where, by their unexpected and desperate attacks, and in consequence of the variety of points at which they made them, they excited a very great and very general terror, and were among the principal causes of Captain Rock's appearance in that year.

Lords,
Feb. 25, 1825.

It is remarkable, that, in the eleven counties planted by James 1st, it has never been considered necessary to apply the Insurrection Act.

p. 98.

W. H. W. NEWENHAM, ESQ.

Lords,
June 11, 1824.
Report, p. 319.

p. 320.

RECEIVED his information in part, from a person who was executed for an attack on the house of a gentleman under whom he was employed as gardener, and partly from an approver, and had every reason to believe that their reports were substantially correct. The progress of the insurrection, it was said, was to be slow; there was no intention of rising until the system had become universal; arms were abundant, but it was purposed to rely on pikes when a sufficient number had been manufactured; the place in which arms were concealed was frequently changed, and whenever any person had been made prisoner, who knew where they were deposited, they were immediately removed to a place of greater security. The insurgents sometimes manufactured their own powder, but found it not good. The first oath was to be ready when called on; Protestants, if they would join the insurgents, would be in no danger. There was, however, a looking out for the year 1825, and a resolution to keep the conspiracy in existence until that year. The committees did not know who the person was from whom they received their orders, nor did they even know whence he came. They firmly believed in Pastorini's interpretation of the prophecies, and were assured, that although they might be repelled twice by the army, yet, when they had met a man who was to come from Heaven and to sprinkle them with holy water, then the military should fall before them, even if they held up only straws as the arms with which they fought.

Lords,
June 14, 1824.
Report, p. 349.

JUSTIN MCCARTHY, ESQ.

Lords,
June 16, 1824.
Report, p. 365.

THE disturbances in East Muskerry, were excited by persons sent from Duhallow, a barony in the north of the county of Cork, bordering on the county of Limerick. The disturbances were not suppressed immediately after

the application of the Insurrection Act, but yielded after some time to the exertions of the gentry and farmers availing themselves of the power given to arrest any persons they met while they patrolled the country at night, and to confine within their dwellings after night-fall any whom they suspected. The country was very much relieved by the arrest of one active incendiary, whom the sons of farmers, and one farmer (who had been a suspected man) succeeded in apprehending.

Lords,
June 16, 1824.

p. 366.

p. 366.

THE REV. M. DUGGAN.

THE district of the county Clare, west of Kilrush (on the coast), has been tranquil throughout the disturbances. The parishes of which it consists are the most populous, perhaps, in Ireland, containing 6,647 profitable acres, and on them a population of 12,000 souls. The landlords are very indulgent, and the Rev. Irwin Whitty, rector of the parish of Kilrush, always attends to the recommendation of witness, in favour of such poor persons as may be unable to pay their tithes.

p. 210.

p. 220.

p. 225.

J. R. BARRY, ESQ.

LIVES in a very populous district, which is and has been perfectly tranquil. The condition of the inhabitants of the southern coast of Ireland has been much bettered by an act passed in 1820, for the encouragement of fisheries, and the coasts of the counties of Waterford, Cork and Kerry, have not been visited by any insurrectionary disturbances. In the district where witness resides, the population has rapidly increased, but the condition of the poor has improved.

Lords,
May 20, 1825
Report, p. 843.
p. 840.

p. 836.

COL. W. S. CURRY.

Lords,
Mar. 16, 1825.
Report, p. 291.
p. 292.

THE principle on which land is let on the Duke of Devonshire's estates is not that of competition, but that of calculating what the ground can yield, and apportioning the rent accordingly. There have been no insurrectionary disturbances in the county of Waterford (where his grace's estates are of considerable extent) within the last eight years, during which time the estates have been managed by witness.

Comm.
Mar. 15, 1825.
Report, p. 301.

REV. M. O'SULLIVAN,

Lords,
May 27, 1825.
Report, p. 931.

Is of opinion, that where the people have been in the enjoyment of comforts, they have been unwilling to hazard them. In the centre of a very disturbed part of the county Tipperary, one townland was free from any insurrectionary movement, and on this, it appeared that the rents had been regulated by a fair calculation, and had varied according to the prices of agricultural produce. It was reported that no tenant on this * estate had been punished under the Insurrection Act.

p. 932.

GEN. C. B. EGERTON.

Lords,
Mar. 18, 1825.
Report, p. 354.

IN the disturbances which prevailed in Galway during the year 1820, there was nothing political or religious.

T. F. LEWIS, ESQ.

Lords,
Feb. 18, 1825.

RELIGIOUS dissensions of any consequence are so unusual in the south of Ireland, that witness never heard of an instance, except at Bandon. They are frequent in the north, the most prosperous part of Ireland, where the population is more nearly balanced.

* This is not the estate to which Major Wilcocks alluded.

THE MOST REV. O. KELLY.

DURING the disturbances which prevailed in the year 1820, witness in many chapels remonstrated against the proceedings of the people, but after he had retired, some refractory person has assembled the multitude, and told them not to attend to his instructions, admitting that he gave good advice, but denying that he could relieve them. At this time the priests dues were equally odious with the tithes, and the efforts of the disturbers were directed more against the landlords than the clergy. One of the oaths taken by the people was, not to pay the priests dues; another was, not to confess to them: but although the influence of the Roman Catholic clergy was lessened by the disaffected spirit of the people, yet, since the year 1808, they were not injured in property or person.

Comm.
Mar. 23, 1825.
Report, p. 259.

p. 259.

p. 258.
p. 259.

RIGHT REV. JAMES MCGAURAN.

THERE is no doubt that a murder was perpetrated by delegates from three parishes, six from each, and that murderers are generally known in the neighbourhood of their crimes. Witness has an imperfect recollection that the prosecutor in the case above mentioned was murdered. The persons engaged in disturbances absent themselves from confession; and if a Roman Catholic clergyman exert himself at the side of government, he is suspected frequently of being a traitor to the interests of the people.

Comm.
Mar. 25, 1825.
Report, p. 272,
p. 273.

p. 275.

p. 279.

RIGHT REV. J. DOYLE.

WHITEBOYS complained of priests dues, as strongly as of tithes.

The persons engaged in disturbances absented themselves from confession.

Lords,
Mar. 21, 1825.
Report, p. 372.
Comm.
Mar. 18, 1825.
Report, p. 197.

D. O'CONNELL, ESQ.

Comm.
Mar. 1, 1825.
Report, p. 71.

Comm.
Mar. 4, 1825.
p. 117.

p. 128.

p. 116.

Lords,
Mar. 1, 1825.

THE disturbances in the south of Ireland are essentially different from those of ribbonism, and agree with them only in the oaths of obedience and secrecy, which are faithfully observed in both, and so rigorously enforced by the southern disturbers, that prosecutors in insurrection cases must be provided, for by government, as they dare not return to live among their friends. In the neighbourhood of Tarbert, where there was an Orange lodge, there may have been in the Whiteboy oath something of an exterminatory nature against Orangemen, but no such oath was taken in any other part of the country. The parts of the county Kerry where Roman Catholics most abound are the most tranquil; and upon all occasions, the Roman Catholics have been as much exposed to danger, and have proved their zeal equally with Protestants in putting down the insurrection. In the barony of Iveagh, the witness and his brother, without military aid, suppressed two disturbances. The ribbon system, which had found its way into Leinster, was penetrating into Munster, but in consequence of the timely information which witness communicated, and the measures he suggested, and the prompt and efficient co-operation of Roman Catholics, lay and clerical, the danger was averted.

JAMES M. DALY, ESQ.

Lords,
May 20, 1825.
Report, p. 834.

WAS a member of the grand jury of the county of Westmeath at the last assizes in Mullingar; had taken informations relative to the crimes of seventeen persons charged with various offences, and tried for attacking a house. They were acquitted in consequence of the absence of material witnesses, and because the prosecutor did not at the time of trial depose to the same particulars as he had previously stated.

Witness attributed the failure of the prosecution to intimidation, and to an undue regard for an oath taken among the lower orders, inasmuch as these things frequently obstruct the course of justice, and also because, in a conversation said to have taken place between the prisoners and their agent after the trial, allusions were made, from which it might be inferred that the witnesses and prosecutor had been tampered with.

Lords.
May 20, 1825

p. 835.

CHAPTER IV.

Disturbances—Causes of.

D. O'CONNELL, ESQ.

Comm.
Feb. 25, 1825.
Report, p. 51,
52, 53.
p. 57.

March 1, 1825.
p. 70.

p. 71.

March 4, 1825.
p. 127.

THE facility of ejectment, and the hardships in distraining for rent, very much contributed to the disturbances in the south. The decrees given in manor courts are not respected, and in resisting them, lives are sometimes lost. The disturbances were not caused by Orangemen, nor to be caused, though their numbers were doubled; but the dissensions between that party and the Roman Catholics, tended to aggravate and prolong them, causing Roman Catholics to distrust the government. The penal laws had the same effect; they did not produce the disturbances, but they aggravated them.

REV. J. BURNETT.

Lords,
Mar. 16, 1825.
Report, p. 299.

THE general causes of disturbance are poverty, which makes the poor desperate; and ignorance, which exposes them to the danger of being made instruments for ill-disposed persons.

GEN. C. B. EGERTON.

Mar. 18, 1825.
p. 354.

IN the Connaught district, the cause of disturbance was dissatisfaction between landlord and tenant.

MAJOR-GEN. BOURKE.

Mar. 16, 1824.
p. 269, 270.

THE causes of disturbance were, 1st, Oppressive measures on the Courtenay estate; 2dly, Distress occasioned by excessive rents, inadequate employment, tithes and local assessments; 3dly, An indisposition to respect the laws, a consequence of the penal enactments against Roman Catholics.

T. F. LEWIS, ESQ.

THE fall of prices distressed the middlemen, who in consequence, pressed on the under tenantry so heavily, as to occasion, or to exasperate very much, the state of feeling out of which the disturbances arose. The connection between landlord and tenant in Ireland is too remote. Between the proprietor and occupier there are many intermediate tenants, and in all disputes, distress is levied off the land. If witness were stating his opinion in 1821, he would have said, that the evils of Ireland rested upon three bases; the nature of its commercial relations with England constituting one; but, a remedy having been provided for this bad system, the obstacles to improvement, as existing in the law, are at present confined to two; the nature of the legal enactments, as between landlord and tenant, and as they affect the connection between the Roman Catholics and the Government.

Lords,
Feb. 18, 1825.

p. 53.

p. 54.

Lords,
Feb. 18, 1825.

J. L. FOSTER, ESQ.

THE remote cause of the disturbances is the vicious structure of society; a state of things in which the chief proprietors are absent from Ireland, and their place supplied by inferior and immoral persons, and in which the occupiers of the soil are barbarised by a habit of gavel-kind, and by tenantry in common and at will. The proximate cause is the extreme physical misery of the peasantry, and the immediate, the attempt to enforce the payment of demands upon them; such as, 1st, rent; 2d, tithe; 3d, county rates; 4th, parochial rates; 5th, priest's dues.

Lords,
Feb. 23, 1825.

Throughout Munster, Connaught, and the greater part of Leinster (the parts of Ireland to which the plantation in the time of James I. did not extend), there is a want of affection for the institutions under which the people live, occasioned, 1st, by their preference for an-

Lords,
Feb. 23, 1825.

cient Irish customs ; 2dly, by their profession of a religion different from that of the state ; 3dly, by misconduct in the local authorities ; and 4thly, by a sense of suffering. Hence, through these provinces, a disposition favourable to disturbance. In comparison with other causes, religious difference is inconsiderable, probably to such a degree as never to have produced an insurrection in Ireland. There may be dissatisfaction felt on some occasions respecting parochial assessments ; but the main cause of disturbance is the land-tenure ; rent, and the means of enforcing it the greatest grievance—a grievance, which (although landlords are sometimes culpable) is attributable principally to middlemen.

J. B. McCULLOCH, ESQ.

Comm.
June 8, 1825.
Report,
p. 815.

THE actual state of society in Ireland has resulted principally from political causes. The great proprietors of the soil in Ireland have been Protestants, and have been imbued with the prejudices of the Protestant sects, against the great majority of the people who live on their estates, and in fact, against the great majority of the people of the country. Ireland therefore, has not lost much by the non-residence of a gentry entertaining such prejudices.

p. 816.

p. 818.

Is not absenteeism the cause of the middlemen system ?

I do not think it is absenteeism that is the cause of it. I think it originated in the difficulty of finding tenants possessed of capital sufficient for the working of large tracts of land, and the disinclination which every gentleman must have, to go and supervise the proceedings of a parcel of small occupiers. I have no idea you would diminish the number of middlemen materially, though you had no absentees.

Report, p. 817.

The mischiefs of sub-letting, and the consequent multiplication of tenures have resulted more from the bad system of law, and its administration, than from

the landlords being absentees. A habit of residence in England would be likely to introduce a better system in Ireland, than might otherwise have been adopted there. As to the evils arising from interminable leases, and the consequent loss of controul in the proprietor in fee, these do not originate in the absentee system; and even though they did, it cannot be said that the chief proprietor is an absentee, so long as a tenant holding on an interminable lease is a resident. A person who gets 2,000*l.* a year of quit-rents from an estate that is worth 10,000*l.* a year, I do not consider as its proprietor, but I consider the holder of the lease as the proprietor. Considered in a moral point of view, Ireland does not lose very much by the want of the absentee landlords; in a political, witness is of opinion, that if the large proprietors had lived at home, and not let their estates on interminable leases for small quit-rents, the country would have been improved by their residence, but [witness adds] I found this opinion on political grounds, and not on those about wealth.

Comm.
June 8, 1825.
Report, p. 817.
p. 818.

p. 815.

[The Editor subjoins that portion of the examination, in which the opinions of the witness with respect to absenteeism, considered as one of the causes of a nation's poverty, are developed and defended.]

Supposing the absentee landlords of Ireland were to return and reside upon their estates, is it your opinion, that that would be productive of any decided advantage to the lower orders of the people?

No; I am not aware that it would be productive of any advantage to them, in the way of increasing the general and average rate of wages all over the country.

Would not the expenditure of their incomes amongst them be productive of a great deal of good?

The income of a landlord, when he is an absentee, is really as much expended in Ireland as if he were living in it.

am.
e 8, 1825.
ort, p. 815.

Will you have the goodness to explain that a little further?

When a landlord becomes an absentee, his rent must be remitted to him one way or another; it must be remitted to him either in money or in commodities. I suppose it will be conceded, that it cannot continue to be remitted to him from Ireland in money, there being no money to make the remittance; for if the rents of two or three estates were remitted in money, it would make a scarcity of money and raise its value, so that its remittance would inevitably cease; it is clear, then, that the rents of absentees can only be remitted in commodities. And this, I think, would be the nature of the operation:—when a landlord has an estate in Ireland, and goes to live in London or Paris, his agent gets his rent, and goes and buys a bill of exchange with it; now this bill of exchange is a draft drawn against equivalent commodities that are to be exported from Ireland; it is nothing more than an order to receive an equivalent amount in commodities which must be sent from Ireland. The merchants who get 10,000*l.* or any other sum from the agent of an absentee landlord, go into the Irish market, and buy exactly the same amount of commodities as the landlord would have bought had he been at home; the only difference being, that the landlord would eat them or wear them in London or Paris, and not in Dublin, or in his house in Ireland.

Therefore, in proportion to the amount of rent remitted, will be the correspondent export of Irish commodities?

Precisely; if the remittances to absentee landlords amount to three millions a year, were the absentee landlords to return home to Ireland, the foreign trade of Ireland would be diminished to that amount.

Would there not be a local effect created by the residence of Irish gentry, now absent, that would be very beneficial?

If the question be confined to particular spots, the expenditure of considerable sums of money in them may perhaps be productive of some advantage to their inhabitants; but when a landlord goes abroad, the expenditure of his income, though not probably productive of advantage to that particular parish, of that particular part of the country where his estate lies, will certainly be proportionally advantageous to some other part of the country, inasmuch as the income must all be laid out, in the first instance, on Irish commodities.

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Report, p. 815.

The employment of the people is a great object;—would not the residence of the gentry contribute to the employment of the people?

If you lay out your revenue in labour, you cannot lay it out in commodities; if you get 10,000*l.* and lay out 5,000*l.* in labour, you can, of course, only lay out 5,000*l.* in commodities.

Would not the population of the country be benefitted by the expenditure among them of a certain portion of the rent which has been remitted?

No; I do not see how it could be benefitted in the least. If you have a certain value laid out against Irish commodities in the one case, you will have a certain value laid out against them in the other. The cattle are either exported to England, or they stay at home; if they are exported, the landlord will obtain an equivalent for them in English commodities; if they are not, he will receive an equivalent for them in Irish commodities; so that in both cases the landlord lives on the cattle, or on the value of the cattle; and whether he lives in Ireland or England, there is obviously just the very same amount of commodities for the people of Ireland to subsist upon; for by the supposition which is made, the raising of cattle is the most advantageous mode in which the farmers can pay their rents.

Would it result from the principles laid down by you,

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that confining the question to those considerations which have been adverted to, it would be the same thing, in point of fact, to Ireland, whether the whole gentry of the country were absenteees or not, as far as those considerations go?

I think very nearly the same thing. If I may be allowed to explain, I will state one point, in which I think there would be a small difference. I think, so far as regards the purchase of all sorts of labour, except that of mere menial servants, absentee expenditure is never injurious to a country. The only injury, as it appears to me, that a country can ever sustain with reference to wealth from absentee expenditure, is, that there may be a few menial servants thrown out of employment when landlords leave the country, unless they take their servants along with them; but to whatever extent menials may be thrown out of employment, if they have the effect to reduce the rate of wages, they will increase the rate of profit. In a country, however, where absenteeism has been so long prevalent as in Ireland, I should say that this circumstance cannot have any perceptible effect*.

* The Editor has considered it his duty to insert the reasonings of Mr. M'Culloch, on the effects of the absentee system, inasmuch as the state of the Irish peasantry, and the tendency to disorder, which it is said has its origin in their condition, have been ascribed in a great measure to the positive and negative causes dependant on the absence of the chief proprietors of the soil. Upon the opinions of Mr. M'Culloch, considered as maxims or conclusions in the science of political economy, it does not come within the object of this work to offer any animadversions; but at the same time, the Editor hopes, that he may, without presumption, offer some brief remarks, tending to show, that as such opinions respect the state of society in Ireland, there is some doubt of their correctness. Mr. M'Culloch affirms, that if the absentees returned to reside in their own country, Ireland would suffer a diminution in her foreign trade, to an amount equivalent to what she had before exported in remittances to her absentee landlords, insomuch, that if she now remit three millions as rents, her exports will be less by

FRANCIS BLACKBURNE, ESQ.

Will you state what in your opinion that ultimate source (*of discontent in Ireland*) is?

Lords,
May 18, 1824.
Report, p. 7.

The extreme misery and wretchedness of the population; the great mass of the population is in a state of poverty, destitute of employment, and, generally speaking, destitute of what in this country would be considered the comforts and necessities of life. With respect to particular detail, your lordships will have that from persons who unfortunately know more of it than I do; it is a subject on which an Englishman can scarcely be said to have the materials even for belief.

that sum, should the return of the landlords render the remittance of it unnecessary. Supposing this position to be correct, the consequence must be, either that Ireland will produce less marketable commodities than are now produced there, or else that she must find amongst her own inhabitants a market for her productions. If the landlord act on fair principles, there is no reason to suppose that the farmer will exert himself with less industry and skill, because the proprietor of the soil has become a resident; and there is accordingly no reason to imagine that the cattle will degenerate or decrease, or that the crops will be less abundant. The consequence will assuredly be, that (the Irish markets becoming overstocked for the present consumers) a new race of purchasers will soon appear, attracted by the cheapness of comforts to which they have too long been strangers. To a certain extent also, the imports into Ireland will be diminished, and in consequence, capital will accumulate, and will be advantageously employed in husbandry or manufactures. Thus, even admitting, that the residence upon their estates of all the Irish absentee landlords will occasion a diminution in the exports of their country, to an amount equal to that annually remitted to them as rent, still their return will be attended by an improvement of habits in the people of Ireland, and by an increase of capital in the country.

But surely Mr. M'Culloch cannot intend that he should be understood as affirming, that the mere circumstance of a landlord's choosing to reside in Ireland must necessarily occasion a diminution in the exports of that country, equal to the amount of the entire rent which he is to receive. If this be the sense

Lords,
May 18, 1824.
Report, p. 8.

Can you state what the causes of it are ?

I believe the causes are the redundant population of the country, the want of manufactures, and the subdivision of property, arising from a variety of causes.

Will you describe what you believe has been the cause of the population increasing so considerably beyond any demand for employment that could exist ?

That question requires some detail. The population of Ireland has been, at least in that part of Ireland to which my testimony refers; I believe, rapidly increasing; I believe the Irish peasant scarcely ever forms, at least while he remains at home, an idea of bettering his condition; they are improvident; and either from that improvidence, or the high rents, are seldom able to

in which his expressions are to be understood, there cannot be the slightest doubt entertained, that the return of the absentees must be beneficial to Ireland; because their return (unless the gentry choose to revert into the barbarism of the Picts) will open a market for a native manufacture, and will furnish the means of carrying it on. But it is not possible that Mr. M'Culloch can wish to have his principles carried to such an extent as to say, that an Irish landlord willing to purchase English commodities, cannot find, when resident in his own country, the same means of effecting his purpose, as his agent found, while he resided in London or Paris. If a gentleman receiving from estates in Ireland 7,000*l.* a year, spend, while he is living in London one part of his receipts in Irish commodities, and six in English, and when he returns to live in his own country, is desirous that his rents shall be expended in the same manner, it is not surely to be inferred from Mr. M'Culloch's words, that because he ceases to be resident in England, his cattle and corn cannot be vended for an English market. While he resided in London, a certain portion of the produce of his estate was conveyed to merchants, manufacturers and venders, resident in England; the only alteration in circumstances produced by his change of residence is, that he shall thenceforth receive English commodities from Irish venders; and it is, of course, reasonable to conclude, that there shall be but one part of the exports discontinued, namely, that which in time-past was appropriated to the English vender, and which is to contribute for the future, to the support of a vender in Ireland.

realise personal property. When a farmer who has a few acres of land (I mention this as an instance) has his children to portion out in the world, and they are about to be married, he has nothing to give them but land. The farm is subdivided; the portions which each member of that family gets, are in the next generation liable to be again subdivided; and then subdivision of land, and the multiplication of the species, go on *pari passu*. The increase of population, in a country where land forms the only means of subsistence, has produced in Ireland the effect of creating, in my judgment, a perfectly erroneous criterion of the value of land. The value of land in Ireland, is regulated, not by what in other countries is considered the criterion of its value, but by the quantity and degree of competition for it, and the principle that a thing is worth what it will bring in the market, which is applicable to every other article, appears to me to be totally false as applied to land; for instance, a farm of fifty acres, let to one tenant at a certain rent, may be well worth that rent; subdivided into ten tenements, it has then to support a population of ten families, and it appears to me, that that subdivision, though it has the actual effect of increasing the rental of the landlord, ought to have the effect of decreasing it; but it has had the effect of increasing the rental. Landlords in all states, head landlords, as we call them, and intermediate ones, have been dealing upon that fallacious principle. Rentals have been formed upon that principle, debts have been contracted upon it, annuities have been sold, and the whole system originating in that error, has produced mischief and ruin at this moment in almost every department of Ireland. Then again, the temptation to multiply freeholds, has, but I am sure, in a very minor degree, contributed to increase the quantum of the evil; but as to the state of Ireland, any view I suggest would be incomplete, without stating

Lords,
May 18, 1824.
Report, p. 8.

Lords,
May 18, 1824.
Report, p. 8.

the effect of absenteeism. My opinion is, that independent of its subtraction from the country of so much of its wealth, it produces great mischief to the whole frame of society; in Ireland, there is, I may say, the destitution, the want of a distinct class. In ordinary times, the loss of the influence and authority, and the controul which belong to education, to rank, and to property, must be deeply felt in any country; but when it becomes disturbed, I need not say, that that which would form a barrier for the protection of the peace, is lost in Ireland; and I have now been administering the insurrection act in counties where the property of absentees is extensive. In the county of Clare, I have never had the honour of seeing a single nobleman assist in preserving the public peace; and in the county of Limerick, I believe I have had the honour of sitting on the bench with noblemen in only two instances, those of Lord Clare and Lord Adair.

When you allude to exorbitantly high rents being in some instances one of the causes that tend to produce this irritation, are you not of opinion, that while the principle of subdivision is allowed to operate to the extent to which you have stated, that even in instances where rents are reasonable, as required by the head landlord, the same degree of ultimate distress will fall upon the population on the estate after that subdivision has taken place?

I do believe that.

M. BLACKER, ESQ.

Lords,
May 18, 1824.
Report, p. 25.

HAVE you directed your attention to the causes of the present insurrection prevailing in any part of Ireland?

I have mentioned already, what I conceive to have been the immediate cause of its breaking out, which was the great increase of population during the war, and the reduction of prices of produce, which was very

great after the war, which made the tenantry utterly unable to pay their rents and tythes; the fall of prices produced distress. As to the landlords in the southern, as compared with the northern parts of Ireland, with which I have been better acquainted, I conceive the gentry of the country are not so free from incumbrances, particularly those in the middle class, as those in the more northern parts, and they are less able to dispense with the payment of their rents than those who are more free agents, and less incumbered in the north. Those who are subject to heavy interest, and large incumbrances, were obliged to be more anxious to enforce the utmost amount of rent they could get from the tenantry.

Lords,
May 18, 1824.
Report, p. 25.

Do you conceive, that the difficulties in which the proprietors of land in the southern part of Ireland have been involved in latter times, have led them to the commission of acts of rigour, which have, in a certain degree, been the origin of this spirit of insurrection existing in the country?

I believe that all the landlords at first considered the reduction of prices to be but temporary, and declined to make abatements, which afterwards were found to be necessary. I believe that the upper classes of the gentry afterwards made a most liberal and proper abatement; but I believe there was a middle class of land proprietors, who still, up to the present time, have pressed excessively upon their tenantry, and in a great measure have been the cause of the present disturbances.

Have you observed those parts of the counties of Cork and Tipperary, in which the coarse linen manufacture has been lately established?

The western part where it has been established has been very quiet.

Do you think the outrages in those counties have any definite object?

Lords,
May 18, 1824.
Report, p. 25.

They originally commenced, I believe, for the purpose of getting merely temporary relief, preventing the enforcement of demands for tithes and rents; they very soon enlarged their views, however, and they then directed them towards getting the land, I believe, into their own possession, to pay no rent of any kind, and no tithe of any kind; a system was then formed, and communications made between them. I believe the object of the leaders of the different parties latterly was quite of a religious kind; Catholics against Protestants, and against the whole establishment. I have never known, that I recollect, instances of any attack upon the Catholic clergy, though they are most numerous, but frequent attacks upon the Protestant clergy.

REV. M. O'SULLIVAN.

Lords,
May 27, 1825.
Report, p. 935.

THE origin of the late disturbances was not of a political nature. At the close of the war, numbers of persons were thrown of employment; farmers who had formerly employed labourers, were forced to cultivate the ground with their own hands; in consequence, multitudes were left unemployed, and reduced to extreme distress. Witness attributes the outrages and disturbances to the desperation of men who were left suddenly and almost totally destitute of the means of subsistence; but at the same time, he thinks it right to mention some circumstances, by which the minds of the peasantry might have been predisposed to communicate a political character to any disturbances in which they should be engaged. Several persons who had been outlawed after the rebellion of 1798, had obtained a shelter among the peasantry, in retired parts of the country; and upon various occasions, men of like dispositions, and avowing themselves equally obnoxious to the Government, appeared in different places, disseminating principles of sedition, and fermenting or exciting a spirit of discontent and disaffection. Witness remem-

Comm.
April 26, 1825.
p. 458.

bers, in particular, having heard of the appearance of a man who reported himself to be a priest, "Murphy," who had been hanged after the Battle of Ross. The person who assumed this name, expressed himself as being ready to engage in any new disturbance. His object appeared to be, to ascertain whether any disposition favourable to seditious enterprises remained in the minds of the people. It was about the year 1810 this man appeared, and his statements were credited by the person from whom witness received his information. The belief entertained was, that "Father Murphy" had escaped, a person mistaken for him having been executed in his stead. But although the peasantry were exposed to the machinations of incendiaries, who were continually exerting themselves to mislead them, witness is of opinion, that their insurrectionary efforts arose out of their extreme wretchedness. The various political enactments intended for the benefit of Ireland, he imagines were productive of injury to the great mass of its inhabitants, not so much because the acts were themselves of an injurious tendency, as that the zeal and attention of the gentry was turned towards political parliamentary interests, and withdrawn from what should have been in general the principal objects of the Irish country gentry, the care of their estates, and the improvement of their tenantry. The peasantry thus neglected, sunk into a state of wretchedness, in which it became an easy matter, in any increased pressure of their distress, to stimulate them to acts of outrage.

Comm.
April 26, 1825.
p. 465.

Lords,
p. 133.

Lords,
May 27, 1825.
Report, p. 933.

Lords,
p. 935.

p. 932.

p. 935.

p. 930.

CHAPTER V.

Party Spirit, &c.—a Manifestation of, &c.

T. F. LEWIS, ESQ.

Lords,
Feb. 18, 1825.
Report, p. 58.

THE remembrance of the wars and forfeitures which have taken place in Ireland is much more lively than might be imagined, and is found to exercise a very considerable and a very deleterious influence over the peace and prosperity of the country. Accidents, which in other parts of the world would be unknown or presently forgotten, except in the immediate vicinity of their occurrence, are in Ireland magnified into an unnatural importance, and are made the occasions of religious or political disturbance. Indeed, every conflict of any moment in that country, is sure soon to merge into a religious struggle. The rebellion of 1798 is a remarkable illustration of this truth. It commenced in an admiration or an adoption of French principles, and it ended in a sanguinary contest between Protestants and Roman Catholics. Nor is an important object required in order to this manifestation of religious rancour; the disputes of a parish vestry are sufficient to call it forth; so little concealment is there of the pride of conquest on the one side, and on the other, of a sullen sense of defeat.

REV. H. COOKE.

Lords,
March 24, 1825.
Report, p. 432.

HAS heard as long as he can recollect any thing, legendary stories respecting the feuds between Roman Catholics and Protestants. The spirit in which these feuds originate, has existed since the settlement of Ulster, and the names which are now assumed, of Orangeism and Ribbonism indicate only, that the leaven

which had infected the whole mass, has worked its way to the surface. There was but one period since the settlement, in which quiet days were experienced in the north, and that was at the time when the widely-spread influence of French principles had created a strong indisposition to British connection. The watchword of the Roman Catholics in their contests with the Protestants had been, "put down the red and put up the white." This may or may not have had reference to French principles; but the disappearance of religious rancour for a time was certainly owing to the political feeling which was substituted in its place, through which the various factions became, united in hatred to British connection; and so violent was this latter feeling, that loyal men were not safe even from the danger of assassination.

Lords,
March 24, 1825.
p. 340.

p. 333.

This state of things terminated in the rebellion of 1798. There had been in existence for some time a society, calling themselves United Irishmen, instituted for the purpose of obtaining political privileges by constitutional exertions. These men, who were Protestants, having become infected with French principles, formed a union with the Roman Catholic committee, and with the Defenders and the Whiteboys, who had been to a certain extent organized, and who, in the year 1796, received orders from the United Irish Club to provide themselves with arms. In the course of the rebellion, the Roman Catholics displayed the principles upon which they had been embodied, and the Protestants saw the wisdom of detaching themselves from such a conspiracy. However, notwithstanding the jealousy and apprehensions to which the events of the rebellion were calculated to give rise, the remembrance of evil days was wearing away, when the proceedings of the Roman Catholic board in 1814, and in particular a speech of Doctor Drumgoole, awakened again the suspicions of the northern Protestants. In this speech

Comm.
March 29, 1825.
Report, p. 370.

Comm.
March 29.
Report, p. 364.

declarations were made, which led to the remembrance of all the horrors of past times, and although, in most cases, it may not be just to hold any particular body responsible for the words and acts of its individual members, yet the Protestants imagined that it would not be unreasonable to judge of the temper of the Roman Catholics from the sentiments of one of those persons who managed their concerns, and who spoke in perfect accordance with the known principles of their religion.* Notices of this kind serve to keep alive apprehensions which history showed to have been in past time well founded, and prevented the Orange system from falling into disuse. There have been latterly local manifestations on the part of the Roman Catholic peasantry which have had the same tendency. Their party exhibitions have been of late increasing in frequency and in appearance of strength, and consequences have attended them, by which the Protestants have been much excited. Ribbonmen have assembled to the number of 3,000; and at Maghera, where they met to display their strength, a serious affray arose, and lives were lost, which occasioned the examination of the matter before a court of justice. The circumstances of the riot appear to have been, that a Ribbonman refusing to pay for some matter in a shop, created a disturbance, and was given in charge to the constables. His companions, relying on their numbers, resisted, and the military were called out; but, as they were violently assailed, and were not under a magistrate's orders, after

Lords,
March 18, 1825.
p. 331.

Lords.
p. 230.

Lords,
March 18, 1825.
p. 238.

* A letter from the Rev. Mr. Hayes, delegate of the Roman Catholics at the court of Rome, was read at "the Board," expressing a wish, "that Doctor Drumgoole should be associated with him in his mission."

Mr. O'Connell "agreed, that Doctor Drumgoole would be a proper person to associate with Mr. Hayes; although a clamour was raised against him in this country and in England, he thought him a very proper person to transact their business at Rome."—*Dublin Evening Post*, September 27, 1817.

their officer had been knocked down, they returned to the barracks, and then the Ribbonmen attacked a house where an Orange lodge had been held, and knocked in the windows and doors. The people from within, in self-defence, fired upon them, and some lives were lost. The witnesses on behalf of the Protestants who were tried at the Londonderry assizes, were exposed to such danger from the furious animosity of the people, that they were forced to have a military escort, and were so violently assaulted in the town of Dungiven, that even the army stationed there found it a difficult matter to protect them. The feeling of religious hostility which manifests itself in these feuds, the proceedings of the late Roman Catholic Association have had a strong tendency to exasperate. The character and habits and views of Orangemen have been slanderously misrepresented, and the gentry have been harassed by vexatious law-suits, carried on in a manner which rendered many of the remedies provided by the law unavailable for their service. In circumstances like these, it was natural that the Protestants should be visited with strong apprehensions; and, if the Association of the Roman Catholics had not been suppressed, and if the Protestants had not relied with great steadiness on the wisdom of Parliament, a counter association would have been formed, as being absolutely necessary for the protection of men who were in so many ways assaulted. This is the fair account of the present state of feeling in the north. As to the Orangemen, whatever occasion to misrepresent them the Roman Catholic Association may have had, has been afforded, not by the general body, who have been for the most part quiescent, and living on good terms even with their Roman Catholic neighbours, but by the mischievous activity of a few unsettled persons, who, by their own levity arise to the surface, and associating themselves with disorderly companions who are not

Lords,
March 18, 1825.
p. 238.

Orangemen, attach to the society the ill report of actions which it condemns. Witness does not approve of the Orange system; has preached against meetings to commemorate some of its important epochs, and succeeded in his endeavours to prevent them; but considers the members of that society as having had their views and practices very grossly misrepresented.

COL. W. VERNER.

Lords,
April 22, 1825.
Report, p. 539.

PREVIOUSLY to the year 1795, there had been frequent conflicts between the Protestants and the Defenders, who in that year notoriously avowed themselves as Roman Catholics maintaining a religious war, by engaging, through the instrumentality of a priest, that they would keep the peace; which immediately after they violated their engagement, by attacking the house of a Protestant at a place called the Diamond, on which occasion a memorable battle was fought. The Protestants then saw the necessity of adopting strong measures to secure themselves against the dangers by which they were surrounded, and accordingly entered into a society in which they pledged themselves to assist the Government, and, for purposes of mutual defence, adopted certain signs and pass-words by which the members of the society could be recognised. When the dangers which had called upon the Protestants for active exertion had passed away, the Orange society in a great measure ceased to exert itself; but at various periods the language held by Roman Catholic leaders, and the display of strength and hostility exhibited to the detriment of Protestants by assembled multitudes of Ribbonmen, have had the effect of calling up again such a spirit as the exigencies of the times seemed to demand. In former times an oath had been taken to bear true allegiance to the sovereign so long as he maintained the Protestant ascendancy, not intending to limit by this oath the allegiance of him who was bound by

p. 532.

Lords,
April 22, 1825.

it, within any other conditions than those which are prescribed in the Act of Settlement, not pledging Orangemen to resist any law which the proper authorities enact, but engaging those who swore to defend the constitution against all who would subvert or disturb it. An oath of secrecy also was taken which bore reference to the signs and pass-words merely; but none of these oaths were taken since 1824. The members since that year were required to swear only the ordinary oaths of allegiance, supremacy and abjuration. In the engagements of an Orangeman, there is nothing calculated to create a feeling of hostility towards any portion of his fellow-subjects, nor does the spirit of the institution manifest itself in any thing which could fairly be considered insulting; and, although the witness has seen Orangemen, in many instances, prosecuted within the last five years for various outrages, he does not recollect one in which there was a conviction. [*The case of Mr. Smith having been alluded to by a noble lord*], witness stated the following particulars:—Mr. Smith, the son of a clergyman, was prosecuted for murder; the evidence against him was as direct as it possibly could be; but it was to the satisfaction of a crowded court, that the jury, some of whom were Roman Catholics, manifesting their utter disbelief of the evidence, returned a verdict of acquittal. On subsequent trials, it appeared that the conduct of Mr. Smith, at the time of the riots out of which his prosecution arose, had been of the most praiseworthy kind, and he was complimented by the judge for his endeavours to prevent the mischief which had occurred. [Witness delivered in some papers relative to the proceedings of the Orange society, containing declarations from various lodges of the principles on which they were embodied, and containing the last address of the grand lodge, communicating the intimation, that, according to an act of Parliament passed in 1825, their society was

Lords,
April 22, 1825.
p. 533.

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Lords,
April 22, 1825.
Report, p. 537.

p. 530.

p. 531.

p. 538.

illegal, declaring it, in consequence, dissolved, and recommending entire submission to the letter and spirit of the law.]

REV. HOLT WARING.

Lords,
April 22, 1825.
Report, p. 543.

p. 544.

p. 545.

Lords,
April 22, 1825.
Report, p. 545.

p. 544.

THE object of the Orange society was self-protection. The occasion of instituting it was the violent persecution to which Protestants were exposed, and from which their properties and lives were in continual danger. Orangemen bound themselves to support the Government, and to defend each other in all things lawful. The intent of the signs and pass-words which they adopted was, merely, that they might serve for purposes of mutual recognition, but not at all for the purpose of exciting a hostile feeling against any body of men. The scheme of the first signs was instituted with reference to the Exodus of the children of Israel, and might perhaps (although witness does not see the necessity of such an application) be considered applicable to the condition of Protestants in Ireland, as professors of a purer religion than that which the Roman Catholics held, and suffering persecution for their faith. The pass-words were frequently altered, the efforts of disaffected men to defeat the intent of the Orange society rendering secrecy and caution extremely necessary. The United Irishmen exerted themselves very strongly to introduce their principles among Orangemen, and dispersed their emissaries over the country, to seduce them by promises, or terrify them by menaces into a participation of their own treasonable designs; and in such a state of things, it was a matter of great moment to exclude from the meetings of the Orange societies, as far as it was possible, all suspicious persons. There was, therefore, beside the general signs, a reserved pass-word, which was changeable annually, or oftener, at the option of the grand lodge, which was communicated to none but approved brethren, and

without a knowledge of which no person was to be considered a true Orangeman. Nor was this the only caution adopted. The general institution comprises two lodges—the purple and the orange; the members of the former (the superior lodge) regarded the inferior as a kind of probational institution, and did not communicate to the members of it any but the general signs and pass-words, reserving certain which were peculiar to themselves. It had a salutary effect on the minds of the Orangemen, that they should thus be taught to look up to a higher order of merit, and be subject to the superintendence of the superior members (who had the power of being present at all their meetings, and who were acquainted with all their pass-words); and the circumstances of the times, and the pernicious activity of traitors, rendered it necessary to adopt every fair means of influencing the imagination as well as the judgment, so as to keep the great mass of the population from being led astray.

Lords,
April 22, 1825.
Report, 546.

p. 546.

D. O'CONNELL, ESQ.

If you consider the disturbances in any considerable degree to be connected with the difference of religion, how do you account for this circumstance, that in the province of Ulster, where religious animosities unfortunately prevail to the greatest degree, there has been for the last twenty-five years, no occasion to put in force the Insurrection Act; whereas it has been repeatedly in force in the counties of Clare, Limerick, Cork, and a part of Kerry, besides other counties in the centre and south of Ireland, in some of which little religious animosity comparatively exists?

Lords,
Mar. 11, 1825.

There was, within the last twenty-five years, in the north, one attempt at open rebellion, connected with the affair of the unfortunate Mr. Emmett, at the head of which attempt was a Mr. Russell, who, as I recollect,

Lords,
Mar. 11, 1825.

was executed for it; * they were both Protestants; that was in the year 1803. There have been in the north, Whiteboy outrages of a horrible nature, such as burning the lodge called the Wild-goose lodge, with some of the inhabitants in it. My opinion, derived from information, is, that with respect to the government and security of the state, the Catholics in the north are in a much more dangerous situation, and have been, than the Catholics in the south. There is in the north, and has been a perpetually organized force of yeomanry, mostly Orangemen, ready, of course, at any moment, to meet any particular act of insubordination or insurrection; and giving therefore a more constant opposing force to particular acts of outrage. The consequence has been, that the discontent, instead of exposing itself in crimes of what I would call a driftless nature, (that is horrible crimes, which by their very perpetration, lose all further effect, except by intimidation), the Catholics in the north, who originally were organised into Defenders, to oppose the original formation of the Orangemen, have since, to a very considerable extent, according to my information, organised themselves into a society called Ribbonmen. I believe that, from information, to prevail to a very considerable extent; that organization, which, from the information

* It will appear by the following extract, that Mr. Plowden, who cannot be regarded as an advocate for the Orangemen, considers the attempt of Mr. Russell, not as a matter of impeachment against the North, but rather as affording a proof that the loyalty of that part of Ireland was not to be shaken:

“With all these personal, local and political advantages, Mr. Russell had been labouring some months in the counties of Down and Antrim to stir up rebellion; and such was the unassailable loyalty of the North, heretofore considered the hot-bed of disaffection, that, during that whole time, he was not able to muster more than fourteen of the most abject cast; some abandoned drunkards and others, idiots and mad.”—Plowden's Hist. of Ireland, since the Union, Vol. I. p. 190.

I have, was, and still continues to a certain extent to be in its nature extremely formidable, has enabled, within the last year or two, the individuals connected with it to hold their open processions as well as the Orangemen: and if a foreign enemy were to send them assistance, they would be, in my judgment, (at least until lately, for we have endeavoured as much as possible to check that Ribbonism) they would have been quite ready to join a foreign enemy.

In speaking of the influence of the Orange association in producing mischievous consequences in Ireland, do you think the Ribbon associations have been promoted by the Orange associations?

Comm.
March 1, 1825.
Report, p. 71.

The Ribbon associations owe their origin entirely to the Orange associations; and I even think, that if the Orange processions alone were suppressed, that would go very far to suppress Ribbonism; but the men excuse themselves thus; that they must be prepared for the next twelfth of July, or fourth of November, or Derry-day, or whatever they call it, when the Orange procession is to take place.

Do you know at what time the Ribbon association began in the north of Ireland?

No, I cannot say when it began; my own opinion is, that it is a continuation of the Defender system, which immediately ensued on the original formation of the Orange association in the north, and was connecting itself with the French revolution, looking at a complete revolution in Ireland, and a separation from England. The Defender association was at first confined to the lower classes, but had the bad feature of being almost exclusively Catholic, as the Ribbon system is exclusively Catholic. Before the Defender system was put down, the Presbyterians joined a good deal among the Defenders, and thus combined, they mixed with the United Irishmen, when the events of the rebellion put down the Defenderism. Since that

period, in proportion as the Orange irritation increased in the north of Ireland, has that of Ribbonism increased.

Do not you think the extension of the Ribbon system within the last few years, has considerably tended to spread Orangeism?

Unquestionably; they act on each other; the existence of Ribbonism makes it necessary for one perhaps to become an Orangeman, and the existence of Orangeism has certainly created many Ribbonmen.

Comm.
March 1, 1825.
Report, p. 72.

Does not it appear that the outrages that have taken place in the north of Ireland, have generally taken place in consequence of conflicts between the Ribbonmen and Orangemen?

No; a great many of them in my opinion, and I have looked at them pretty closely, have originated with the mere insolence of triumph of the Orangemen, speaking of the lower classes of them. In their lodges, they work themselves into a great hatred of Popery; they go out, they are armed with muskets and ball-cartridges, and at the slightest sign of disrespect to them, they fire at the peasants.

p. 72.

Do you mean to say, that they go out with arms to fairs; for instance, where men of both political feelings assemble, that one party goes armed, and the other unarmed?—I have not the least doubt, that if that were the subject of inquiry, it could be established, that the Orangemen go to fairs unarmed; certainly the Catholics, many of whom are Ribbonmen, go equally unarmed; but the Orangemen, in general, leave their arms in a dépôt, about a mile or half a mile from the fair. In the evening particularly, a riot is easily excited, and the Ribbonmen are equally willing to commence it with the Orangemen; then the practice has been for the Orangemen to retreat upon their arms, and take their arms and shoot away, and many lives have been lost.

Will you mention any circumstances of that kind which have occurred?—The names of the places are not

familiar to me at this moment; but in the county of Monaghan, six or seven lives were lost, about eight years ago, in that way; but I have no hesitation at all in saying, that in the course of a week, I can give many names of places where that occurred; the facts themselves have come to us very distinctly.

Comm.
March 1, 1825.
p. 72.]

You stated your recollection of a riot which took place at Maghera, where the Orangemen went into that town, with arms in their hands, to attack the Catholics?—No, my recollection, but I speak from loose recollection, is, that the Orangemen were unarmed when the riot commenced; my recollection is, that the Orangemen were the persons attacked originally; and then, after the riot commenced, my recollection, from information is, that they supplied themselves with arms,

In that case, had the Orangemen formed any depôt of arms in the neighbourhood?—So I understood.

With reference to the possible events of that evening?—Yes; and there were five or six Catholics shot.

Were there any Protestants shot?—No, not one; there could not be any shot, for there were no arms on the other side.

In the case of Maghera, did the Orangemen go back to their houses to get their arms, those houses being in the neighbourhood; or had they previously prepared their arms in the depôt, with reference to the possibility of their being obliged to use them?—I understand that they had left them a quarter of a mile or half a mile from the town, and left them in a depôt, not in their houses certainly, for they could not have gone there. That was the representation made in public.

Was there any person of any note arraigned for being accessory to this murder?—There was a Mr. Kennedy, the son of a Presbyterian clergyman, arraigned for it; he was acquitted, and I believe honourably acquitted.

Do you know the position of the town of Maghera?—Not at all; I have never been there.

Comm.
March 1, 1825.
p. 68.

What do you conceive to be the date of the Orange association?—About 1795 is the date of the Orange association.

p. 73.

You are acquainted with the oaths of Orangemen, are you not?—I have seen the printed oaths of Orangemen, and I had information that the secret oaths were different; I have had that information from persons whom I have reason to confide in.

You have had such positive knowledge on the subject of Orangemen's oaths, that you do not hesitate to describe publicly what they are, and what they are not?—I do not know that I have described publicly the Orangeman's oaths; I do not believe I have; the Orangeman's pass-words and signs I have had from various sources. My first information was from a gentleman who is now dead, Captain O'Grady, of the Limerick militia.

Was he an Orangeman?—No, he was a Catholic, but he was in the north in the militia, and that regiment joined with the King's troops in putting down the rebellion.

It was Captain O'Grady gave you your information?—He was the first; he has been dead many years.

Have you had any other information on the subject?—Yes, frequently.

From Orangemen?—Yes, from Orangemen.

From such information as you could rely upon?—From such information as I thought I could rely upon with great confidence, details given me upon the subject, and tracing out for example; the system has changed four or five times.

Comm.
March 1825.
Report, p. 74.

If you are reported correctly, you stated in a speech you made on Saturday, that you were ready to prove at the bar of the House of Commons, that one of the secret oaths of the Orangemen, was a verse, taken from the 68th psalm and the 23d verse, "That my foot may be dipped in the blood of thine enemies, and the tongue of

thy dogs in the same?" Not an oath at all; and the very terms of the verse shew that it could not be part of an oath.

Comm.
March 1825.
Report, p. 74.

Will you have the goodness to state, what part of the system it forms?—A pass-word it formed, as I understood, or something of that kind; it does not at present; it has been changed, as I understand.

Are you prepared to state, that it ever was part of the Orange system in Ireland?—It was a pass-word, I am prepared to state from my information; it would be impossible for me to be an Orangeman, and therefore I can speak only from information.

Was your informant an Orangeman?—Yes, my informant was a person who was stated to me to be an Orangeman.

Your informant was stated to you to be an Orangeman?—To have been an Orangeman.

The informant did not give that account of himself, did he?—I got in writing from the informant, upon that particular subject the information; I refused to see him, because circumstanced as I am in Ireland, I do not like to hold personal intercourse.

He took money for the information he gave you?—He did.

[Mr. O'Connell explained, and while he questioned the propriety of selecting any part of the 68th psalm, which might lead vulgar persons to the 23d verse, as a sign or pass-word, he said, "I give up my informer entirely; and may I be allowed to say, that the gentleman to whom I gave my honour not to mention his name, though he knew me well, as I understood was a student of Trinity College, but I could not tell his name positively; I only conjecture his name. I consider him therefore, and the person who informed me for money, as persons on whom no faith can be distinctly relied. That I think it right to say now."]

March 4, 1825.

p. 108.

Comm.
March 1, 1825.
Report, p. 68.

Have you not heard, that about 30 or 40 years ago, the Roman Catholic gentlemen used to join in drinking the toast:—Yes! as “the glorious memory.” After the year 1782, there was a better spirit created in Ireland between the Catholic and the Protestant; they almost forgot their dissensions, and at that period, if
p. 69. “the glorious memory” had been given in presence of a Catholic, he would have joined in it; for after all, the spirit of civil and religious liberty is as dear to us as to the Protestant.

p. 68. The Committee may collect, that it has not been taken up as a recent invention, for the purpose of insult, but merely persevered in?—Persevered in, and felt more as the Government and the law became favourable to the Catholics; while the Government was hostile to the Catholics, the individuals giving this toast were considered quite in accordance to the Government, and not noticed; but when the law put the Catholics to a certain extent under the protection of Government, and we became to a certain degree subjects, the Orange party, with their great and volunteer association, going beyond the law, and threatening us beyond it, the toast had an effect which it had not before.

p. 70. We make a distinction between Protestants and liberal Protestants, but we make a marked distinction between Orangemen and both these classes. A liberal Protestant in Ireland is an object of great affection and regard from the entire Catholic population; amongst ourselves we always talk of him as a protector and a friend; a Protestant who is not an Orangeman, is spoken of as a stranger merely would be, but without feelings of hostility; the Protestant who is an Orangeman, is considered as decidedly an enemy, and the extent of that enmity depends upon the peculiar education and habits of the individual who speaks of it; the peasantry speak of them as exterminators; I mean of a sworn or affiliated Orangeman.

RICHARD SHIEL, ESQ.

WHERE the Protestant gentry do not oppose Catholic emancipation, the priests and they are on a good footing; but where a Protestant gentleman opposes Catholic emancipation, he at once becomes an object of antipathy to the priesthood, in common with the rest of the Catholic community.

Comm.
March 3, 1825.
Report, p. 104.

You do not mean your last answer then to apply generally, as describing the state of feeling?—No; I confine it of course to what we call “liberal Protestants,” to whom the priests entertain a partiality.

What are the others called?—They are classed under the comprehensive name of Orangemen; some of course are more conspicuous for their hostility than others, and incur a corresponding aversion.

MOST REV. DR. MURRAY.

Dr. Troy addressed a pastoral letter to the Defenders in the year 1793.

p. 664.

MAJOR-GENERAL EGERTON.

HAD you any opportunity from personal observation, of ascertaining the origin of those disturbances at Maghera?—It was a casual thing, originated in a man entering a shop, and having a dispute with the man who kept the shop, about some change.

Lords,
Mar. 18, 1825.
p. 223.

Did it not occur in consequence of an Orange procession?—No, it did not, it was market day; the troops were called out, and there was no magistrate there.

GENERAL OBSERVATIONS.

IN the preceding chapter, the reader is presented with a view of the conflicting testimonies which have been given with respect to the manifestations of party spirit in Ireland. According to the statements of one witness, the system of Defenderism arose out of the outrages which the Roman Catholics suffered from the unrestrained and unpunished violence of the Orange

society. The existence of this society, he says, commenced in the year 1795, and its spirit was immediately manifested by a most wanton persecution of the Roman Catholics, who had no refuge from the grievances and the dangers to which they were continually exposed, except by obeying the proscriptions of their cruel enemies and flying from the country, or else, by forming a league for their mutual defence; and hence the origin of Defenderism. On the other hand, it is stated, that the formation of the Orange society was altogether the consequence of a severe necessity; and if, as Mr. O'Connell declares, this society was formed in 1795, the pastoral letter of Dr. Troy (given in Dr. Murray's evidence), addressed to the Defenders in 1793, is decisive evidence that Orangemen were not the original aggressors. Considerable light is thrown upon the disturbances of these opposing parties, in "An Essay towards a History of Ireland," written by Mr. Thomas Addis Emmett, who certainly was not likely to be a witness partial to the Orange society; and the Editor thinks that it may be useful to state some of the facts which are mentioned in that essay, separating them altogether from the reasonings and speculations to which they furnish occasion. Mr. Emmett states, that the religious animosity, which, while the volunteer system was efficient, had been repressed and abated, began in the year 1791, when the volunteers had lost their power and influence, to break out into open hostility.* In that year, the province of Ulster was disturbed by a faction styling themselves Peep of Day Boys, who, under pretence of enforcing the popery laws, went through the country at break of day, entering into the houses of Roman Catholics, in order to deprive them of their arms. In the year 1792, the outrages of the Defenders, who had

* Essay towards a History of Ireland, p. 46-47, by T. A. Emmett, esq.

spread themselves over the country, and into places where there were no Protestant outrages to be dreaded, and whose organization had acquired a decidedly political character, were flagrant enough to attract the notice of Parliament. In the year 1793, a committee of the House of Lords was appointed to inquire into the state of the country, and it appeared that the committee of the Roman Catholics had been in some degree concerned in the proceedings of the Defenders in the preceding year. In order to explain circumstances which were apparently unfavourable to them, the secretary of the Roman Catholics published a statement, containing an account of the manner in which he had interfered in the concerns of the Defenders; and from this statement it appeared, that the principal object of his interference had been to prevent the illegal practices in which the Defenders were engaged. With this view, he said, the Roman Catholic committee published an address to the unfortunate men, advising them to desist from any parades or meetings which were calculated to alarm the Protestants, communicating an account of the resolutions entered into by the volunteers to do impartial justice to all men; and the result of this address and of the resolutions was, that peace and harmony were restored to the country. This is the account of the interference of the Roman Catholic committee, as given by their secretary, and preserved by Mr. T. A. Emmett, and it is accompanied by a declaration, that the Protestants were uniformly the aggressors. There is, however, but one observation to be made—the address of the Roman Catholic committee restored peace to the country; for it will be remembered, that the volunteers, according to the account given by Mr. Emmett, were already powerless. If this be correct, it appears, that as soon as the Roman Catholic committee had induced the peasantry of their own persuasion to abstain from

acts of menace or violence, the country was no longer disturbed. Surely, then, it cannot be a matter of any difficulty to ascertain who were the original aggressors. In 1795, the Orangemen, according to a speech delivered at that time by Lord Gosport, appear to have proceeded to a most unwarrantable length in their efforts against the Roman Catholics; but even for this Mr. Emmett furnishes some excuse. He informs us, that the two opposing parties, after long preparation, met in pitched battle at Diamond Point; that the Protestants were victorious, but agreed to a reconciliation, which was negotiated by a Roman Catholic priest on behalf of his people; and that on the morning after this truce was made, and when in consequence the Protestants were off their guard, seven hundred Defenders, who had marched from Keadly, made a fresh attack upon them, and were, by the rapid re-union of the Protestants, again defeated. This second assault, which Mr. Emmett calls an unfortunate accident, and which the Protestants in all probability considered a perfidious breach of faith, and an illustration of the principles of a religion, may naturally have given occasion to all the subsequent violence with which the Defenders were pursued, and to the formation of the Orange society, which, it is admitted on all sides, was organised in the year 1795.

CHAPTER VI.

Measures adopted by Government to tranquillize the Country, and ameliorate the Condition of its Inhabitants.

Insurrection Act, &c. &c.

MAXWELL BLACKER, ESQ.

WHEN you state that an improvement has taken place in the parts of the country you have described, [county of Tipperary and part of the county Cork], do you mean merely, that there has been a diminution of actual outrage, or do you mean to state an opinion, that the disposition to commit outrage has ceased?

Lords,
May 18, 1824.
Rep. p. 21.

I mean to say both; that there is a diminution of outrage, and that many persons who had joined the standard of those discontented people have left it; that they have found it a useless, fruitless and impolitic proceeding, and have returned to good order.

To what do you attribute this improvement?

To the operation of the Insurrection Act, and the activity used in carrying it into effect.

To any other causes?

None but those connected with the Insurrection Act, the exertions of the gentry, the constabulary force, and the peace preservation force.

How do you conceive the Insurrection Act operated towards producing an improvement?

p. 19.

By compelling the inhabitants to remain in their houses, and by affording a greater facility of conviction of crimes, which could not be had under the ordinary tribunals.

What were the facilities for conviction of crimes under the Insurrection Act, which were not afforded by the common law?

The police being in constant motion at night, taking up all persons who were out at night, and also from their being the very best description of witness, men who were not likely to be intimidated in any respect, or prevented giving their evidence by any influence of any description.

Do you think tranquillity could be maintained, if Government had not the power of enforcing the Insurrection Act?

I think not.

Lords,
May 18, 1824.
Report, p. 20.
p. 22.

What do you think would be the consequence of the expiration of this Act?

I think it would be the signal for the breaking out of all the disturbances, with as much fury as they ever prevailed.

F. BLACKBURN, ESQ.

p. 6.

WHEN you state that a considerable improvement has taken place in certain parts of the country (county Limerick), in which the Insurrection Act has been in force, do you mean by improvement only, that the system of outrage has been effectually checked, or do you mean to say, that the disposition to commit outrage has ceased to exist.

I mean to say, that a cessation of outrage has been produced; I cannot say that I believe any material change of disposition has been produced.

How do you conceive the Insurrection Act to have operated towards producing this improvement?

I consider the judicial part of the system to have operated very powerfully on the minds of the people; but I attribute much more to its operation, as a measure of prevention, by rendering it impossible for the people to associate at night. When I say impossible, I mean without great probability of detection.

Do you think that tranquillity could be maintained if Government had not the power of putting this Act into effect?

Lords,
May 18, 1824.
Report, p. 5.

I believe it could not.

In your opinion, is the Insurrection Act itself a source of irritation?

p. 12.

I do not believe it is.

May not persons who are entitled to their acquittal and obtain it, have been materially inconvenienced in the interval by the imprisonment they may have undergone previous to trial?

p. 14.

The persons tried before me are always committed by magistrates; and the magistrates at petty sessions, hold the same sort of inquiry that they do in every other branch of our criminal jurisprudence; and unless there was some reasonable ground for taking the information against the man, he is not sent forward for trial; he is discharged, and the informations are not taken at all; of course, if a very plain case of lawful occupation is made before the magistrates, I never hear a word about it.

G. BENNETT, ESQ.

Do you think the operation of the Insurrection Act makes the disposition of the people worse?

Lords,
May 19, 1824,
Report, p. 44.

I do not; I will give your Lordships the reason. I think that the operation of the Insurrection Act gives very great confidence to those that are well disposed and well affected; and I think there are a great number of people in Ireland, who never would have joined the Insur-

rection if they had the protection of the Insurrection Act, to save them from the attacks of their houses at night; and I should further observe, that in a great number of instances, the small farmers, as they are called in Ireland, people who held small tracts of land, expressed themselves well pleased at the Insurrection Act having been enforced in the country, and wished for a continuance of it. I think a great many of the lower orders of farmers in Ireland look to it with great confidence.

W. W. BECHER, ESQ.

Lords,
June 1, 1824,
Report, p. 248.

Do you conceive that the operation of the Insurrection Act interfered materially with the comfort or useful occupation of the people?

They have been for a long time in the habit of performing their journeys by night; if they go to Cork, it is generally by night; it saves them expense. I do not know that otherwise it operates very inconveniently.

W. F. F. TIGHE, ESQ.

p. 259.

I HAVE received a letter from my agent, in which he states, that he has seen a notice posted in the town of Inistiogue, by order of the magistrates, prohibiting all persons from being out after sun-set, and particularly the fishermen; he further states, that it is his intention to appear at the petty sessions of magistrates, to request them to exempt the fishermen from that order, as if they were prevented from fishing at night, the principal means of support of several families would be taken away; he informs me, that, during the summer, they can only fish at night, on that part of the river, (the river Nore.)

J. O'DRISCOL, ESQ.

Lords,
June 21, 1824.
Report, p. 409.

WHAT has been the effect of the Insurrection Act on those parts of Ireland in which it has been enforced?—

I think the effect of the Insurrection Act has been very generally to quiet the disturbances; but I think it has always left the country, as to disposition, worse than it was before.

MAJOR R. WILCOCKS.

THE state of the county of Limerick has been materially improved; outrages are less frequent than they were, and the combinations from which they proceeded, are very much broken up and subdued. The improvement, witness thinks, is owing to the measures latterly adopted by the Irish Government. He enumerates the revision of the magistracy, the establishment of police and petty sessions, and the aid of the Insurrection law. The police are established under two acts,—the Peace Preservation, and the Constabulary. Under the former, 50 men may be appointed to each barony, commanded by a chief constable, and subject to the controul of a chief magistrate, nominated by the Lord Lieutenant, for either the barony or the entire county. In order that this act shall be put in force in any particular county, an application is necessary to the Lord Lieutenant in the first instance, and then his Excellency is to decide from his knowledge of the state of the country, whether it is expedient to act on the magistrate's memorial. By the other act, (the Constabulary), the Lord Lieutenant is empowered to afford sixteen constables to each barony, without any application on the part of the magistrates; and may, upon their application, increase the number. A chief constable, appointed by the Lord Lieutenant, commands in each barony; or sometimes, where expence may with propriety avoided, the force of two baronies is under one chief, and the constabulary of an entire province are under the direction of the inspector of police, whose duty it is to see that the men are in a proper state of discipline, and are in all respects competent to the

Lords,
May 29, 1824,
Report,

p. 74.

p. 79.

p. 81.

p. 77.

p. 76.

Lords,
May 29, 1824,
Report, p. 78.

p. 79.

Lords,
May 29, 1824.
p. 77.
p. 78.

p. 79.
p. 82.

performance of their duties; and if there be a charge made against any part of the establishment, to investigate it, and report to the Lord Lieutenant. By the provisions of the Constabulary Act, the constables are under the direction of the magistrates; but over the force appointed by the Peace Preservation Act, the chief magistrate has the entire controul. In some counties both acts are in operation, and might with advantage be consolidated into one. The police under the Peace Preservation Act, are generally appointed by the chief magistrate; under the other act, the magistrates of the county have the power to appoint, but in some cases concede their right in favour of the inspector of the province. In Kerry, where the magistrates appointed, witness obviated the bad effects of taking the police out of the population of the county in which they were to be employed, by contriving to send them into baronies where they were strangers. The expence incurred by maintaining this body, (in which the constables are paid 30 *l.* and some few, 35 *l.* a year, and the chief constable 150 *l.*), is defrayed, for the greater part, out of the consolidated fund; and for the remaining part, by the county. The act required that the county should defray half the expense; but latterly the Government has borne the greater part of the burden, and the county is enabled to appropriate to the payment of the new constables, the sums which, before the adoption of the Constabulary Act, the grand jury were empowered to levy for the constables retained on the old system, to each of whom they might appoint a salary not exceeding 20 *l.* a year.

Petty Sessions.

D. BROWNE, ESQ.

Lords,
June 22, 1825.
Report, p. 960.

PETTY sessions are generally established through that part of Ireland with which witness is acquainted, and

their establishment has been attended with the best effects, causing the people to have a confidence in the assembled magistrates, which they never had in their individual decisions.

LORD KILLEEN.

Has not the establishment of petty sessions considerably contributed to general good will in the country, to the arrangement of quarrels among the common people?—Certainly.

Commons,
March 11, 1825.
Rep. p. 166.

And given general satisfaction?—Yes.

Is it at all the habit of the people to come to the petty sessions, to refer their own little disputes to the magistrates for amicable determination?—Yes, they do.

Are the magistrates willing to lend their assistance in such cases?—Perfectly so.

Has that a tendency to increase the confidence of the people in their legal decisions?—I think it has.

RIGHT HON. LORD CARBERY.

BEFORE the establishment of petty sessions, reports were spread abroad injuriously affecting the character of magistrates, whose motives, even when pure, were more likely to be misrepresented, while they acted individually, and not in open court, and whose conduct, if at all deserving censure, was sure to be spoken of in very exaggerated terms. Witness was always of opinion that the establishment of petty sessions would be a remedy for such evils, and has no reason to change his opinion, or to regret that he had at one time suggested the propriety of adopting a measure, which he now finds to be in its operation very beneficial to the country. In his lordship's neighbourhood, the magistrates never act individually, except in cases of emergency, and in these rare instances of deviation from the general practice, they report at the sessions the measures they have been compelled by circumstances

Comm.
March 12, 1825.
Report, p. 604.

p. 605.

to adopt while resting on their own private responsibility. The consequence is, that the greatest confidence is now felt in magistrates, who by performing their duties in the face of an open, and generally speaking, a crowded court, and giving judgment in a manner in which private interest will be much less liable to prevail, remove from themselves the suspicion of indirect views, and satisfy the people that their concerns are an object of attention. It has followed, that so far as witness has means of knowing, all complaints against the magistrates have ceased, and they are made arbitrators of disputes and differences between the people, even in cases where the law gives them no power to act judicially, but where the people are satisfied to abide by their arbitration and advice. This confidence, so generally experienced, is in part a consequence arising out of the revision of the magistracy; but independently of that useful measure, the establishments of petty sessions would be attended by many and important advantages. As to the manner in which business is conducted, it would be an improvement that there should be a legislative enactment to render it more formal; and it would remove an unpleasant feeling from the minds of the magistrates, that the names of those in attendance should not be taken as they now are, by a police officer. By directing or permitting periodical reports in some less objectionable form, equal advantages might be attained, and the feelings of the magistrates would be respected.

JOHN CURRIE, ESQ.

Comm.
May 13, 1825.
Rep. p. 631.

Is not the effect of the establishment of petty sessions to diminish the number of useless informations?—Most undoubtedly.

p. 632.

Are not the people inclined to pay the greatest deference to the decisions of magistrates at petty sessions?—I think in general they are; I am quite certain that the

effect of petty sessions ultimately will be, that all those frivolous cases that sometimes did occur, will never be sent to the * sessions at all. In my part of the country; the consequence of a prosecution is to perpetuate feuds between the parties; they very seldom forgive a prosecution; and my opinion is, that, in cases where the peace of the country is not materially concerned, the peace is much more effectually preserved by allowing parties to make terms, than by promoting a prosecution; that is, when the case is not of that nature that would require a public example.

REV. J. KELLY.

WHAT is the feeling of the people with respect to petty sessions?

Lords,
April 21, 1825,
Rep. p. 520.

It is a feeling of confidence in the petty sessions, and that justice will be administered to them better than it had been heretofore administered to them.

A. J. KELLY, ESQ.

ARE petty sessions generally administered in the part of the country you are acquainted with?

Comm.
3 May 1820.
Report, p. 505.

Regularly.

Do you know how they have operated?

They have given the greatest possible satisfaction to the people at large; I cannot say that any improper administration of justice took place even before they were established; but since their establishment the publicity of them has given the greatest satisfaction, and a thorough conviction on the part of the people that impartial justice is administered.

* The general or quarter-sessions.

Tithe Composition Act.

J. L. FOSTER, ESQ.

Lords,
Feb. 23, 1825.
Report, p. 86.

WHAT is your opinion of the operation of the two late acts relative to tithes ?

I think that very imperfect justice has as yet been rendered to the real merits of that measure. I conceive it of the greatest possible importance in the restoration of tranquillity in Ireland ; not merely by rendering certain that which had been uncertain, but by taking off the pressure from those portions of land where it was intolerable, and diffusing it over a larger surface. To illustrate what I mean, I will suppose the case of an occupying tenant in Munster, having half an acre of potatoes, which is the usual amount necessary for the support of a peasant's family ; I believe that where the Composition Act has not been carried into effect, he may pay, according to circumstances, as much as six, eight, ten or twelve shillings, for the tithe of that half acre of potatoes. His immediate neighbours, who have large farms in pasturage, pay nothing. Now, if the Tithe Composition Act is carried into effect in that district, the probabilities are, that the composition does not exceed 8*d.* or 10*d.* per British acre, for the whole parish. The poor tenant then comes to pay but a few pence, and his richer neighbour takes a portion of the burthen.

Will not the burthen be transferred from the cottier tenant to his richer neighbour, who now pays nothing at all ?—I should say, that the payment of sixpence per acre by the occupier of fifty good acres of land, is not the same inconvenience as the necessity of paying from six to twelve shillings by a man who has but half an acre.

To your knowledge, have the tithe acts operated to any extent in this particular mode ?—I think that every effort has been made to misrepresent the nature of the provisions of those acts to the persons who naturally

would be foremost to take advantage of them ; and I think that nothing but experience, and an opportunity of seeing how the act operates in adjoining parishes, will make them finally acquainted with the real nature of the measure. I understand that the act has been carried into effect in about 368 parishes ; and if it has in two years operated to that extent, I have no doubt it will be quite universal in a few years.

Do you conceive it has been carried into effect, in preference, in those parishes where the evil of an exorbitant demand for tithe was previously most severely felt, or in those where the amount of tithe was least severely exacted ?—My conjecture is, that the composition has taken place chiefly in those parishes in which there was most just cause for dissatisfaction.

Whenever the pasture grounds bear a considerable proportion to the arable in a parish, it is, generally speaking, the obvious interest of the land holders to compound for the tithe, for in that case the increased burden will fall so lightly as to be well compensated by the additional powers which it is a means of procuring. It is to be recollected, that in the case of the feeding farmer, what may be paid on account of tithe is not all an additional expense. He must have hay ; his herdsmen must have potatoe fields. He frequently has some oats or wheat, and he gives out small portions of his land frequently to under-tenants. In short, the grazier is subject to tithe on many accounts, and if there be in a parish but a small proportion of arable land, the rate of tithe is so diminished when regulated under the provisions of the Composition Act, that if there be deducted from what the grazier pays on account of composition, what he before paid as tithe, the remainder will be found to be but a very light tax, when considered in conjunction with the advantages which it is a means of procuring ; advantages which the grazier may feel in the relief afforded to his own tenantry, and in the increased facilities afforded to himself of conducting his agricultural concerns. Upon what terms these advantages are procured, may be in some respect learned from the testimony of the witness.

“ I had an opportunity of calculating the rate upon the first 84 parishes that compounded ; and the amount was, one with another, from 10*d.* to 12*d.* per British acre upon the

land actually in cultivation or in pasture. In one diocese, in which ten of the parishes had entered into the composition, it was so low as sixpence the British acre, upon an average of the ten parishes. I beg, however, to add, that in some parishes of other dioceses, it was as high as two shillings, or perhaps even more."

Lords,
Feb. 23, 1825.

Wherever, therefore, the proportion of pasture land is very considerable, the proprietors of it can, by submitting to a very light general tax, relieve very much the poorer occupants, and secure to themselves a freedom from tithe, in case they should find it expedient to break up their land for purposes of tillage. This ought to be considered an immunity well worth purchasing, because, as the grounds at present occupied for the culture of grain become exhausted, it is natural to expect that lands hitherto used as pasture, may be with advantage broken up.

But where the proportion of pasturage in a parish is inconsiderable, those who are its proprietors have an apparent interest in opposing the adoption of the Tithe Composition Act, because the relief it gives will be of little moment, and the additional burden it imposes on themselves will be heavy. In these parishes, therefore, the influence of public motives would be more necessary than in the former, to induce the proprietors of pasture grounds to submit to the act, and in these, public motives have less weight, because they are the parishes in which the present tithe system causes least dissatisfaction. The explanation of this principle the Editor gives in the words of Mr. Foster, the witness:—

Lords,
Feb. 23, 1825.
J. L. Foster, Esq.

"I conceive that, generally speaking, in the agricultural counties, where, *prima facie*, one would suppose the payment of tithe was the more serious, its levy is attended with the least discontent, and with the least severity; and that it presses with particular inconvenience on those portions of Ireland which are deficient in agriculture, and where the habits of the people principally tend to pasturage; and this owing mainly to the law that exempts pasture lands from the demands of the tithe owner; as a matter of necessity, it leads him to exact, with the greater minuteness, whatever he has a right to out of tillage. Now in these parts of Ireland, when he comes to look for tillage, he unfortunately finds

very little, except the potatoe gardens of those miserable tenants of whom we have been speaking."

[It will be well if the conjecture of the witness, and the reasonings which support his conjecture, be confirmed by the fact, that the inhabitants of such places as these have derived the first benefits from an act which it is probable will in time be in operation throughout Ireland.]

J. L. FOSTER, ESQ.

By what description of persons have those acts been misrepresented?—By different descriptions of persons; I think very principally by the occupiers of the pasture farms; also by such persons as from time to time have taken great pains to promote disturbance in Ireland, and to keep the country in agitation.

Lords,
Feb. 23, 1825.

As far as your knowledge goes, have the clergy of the establishment, generally, shown a disposition to agree to a fair arrangement under those acts?—At first, those acts were extremely unpopular with the parochial clergy; they did not understand their provisions. At present their impression is, that it is vastly better to get an assured, and often an increased income, with plain remedies for enforcing it, than to continue in that hazardous lottery which they have hitherto been embarked in. I think the clergy of Ireland are disposed, like other men, to make the best bargain they can; but they are not disposed to insist on what is obviously unreasonable.

The lay impropiators may also compound?—They may.

Have they done so generally?—I think not to the same extent as the clergy, but I have no doubt they will; I have no doubt that the mutual interest of tithe payers and tithe owners will lead to the universal adoption of the measure in a few years.

May not the opinion, that the acts recently passed will be altered and amended, prevent their coming into use at present; may not each be looking for an altera-

tion favourable to their interest?—I do not think there is now any such expectation. The provisions of the act are necessarily so complicated, that in almost all instances where compositions have been entered into, it has been under the clause which allows the parties to come to a voluntary agreement; the operose machinery of the act has seldom, if ever, been encountered.

Do you know any instances where the lay impropiator, being desirous of coming to an arrangement with the clergyman and the people of the parish, the clergyman has been backward?—No, I cannot refer to such an instance; but it is a great improvement in the last of those acts, that the lay impropiator and the clergyman may each deal without the other. The parish may now compound for its ecclesiastical tithes without its lay tithes, and *vice versâ*.

Have the Roman Catholic proprietors or occupiers in general opposed the execution of the act?—I think the Roman Catholics are as anxious to come into the arrangement as any others.

HON. R. DAY.

Lords,
May 25, 1825.
Report, p. 869.

THE inconveniences attending the collection of tithe, are quite corrected by the Composition Act. Under that statute, the payment is cast upon the substantial landholders, according to the acreable value of each farm; whereas before, the parson was too often cast upon those who could not pay; upon the humble potatoe garden of the peasant, no less than the crops of the wealthier farmer.

Do you think that the Tithe Composition Act is altogether beneficial in its operation?

Beneficial in the highest degree; one of the most important measures we have had a great while.

EARL OF KINGSTON,

WAS not favourably disposed towards the original Tithe Composition Act, according to which the farmers would be constrained to pay much more highly than they would have to pay now, but thinks the amended act likely to become general, and to be beneficial to the country.

Lords,
May 6, 1825.
Rep. p. 712.

June 22, 1825.
p. 956.

DOM. BROWNE, ESQ.

THE Tithe Composition Act has been carried into execution in three parishes with which witness is most particularly connected, to the satisfaction of both the Protestant clergy and the people themselves; it has, however, thrown the weight of taxation on grazing farmers, which, though they are very willing to bear for the sake of the peace of the country, would be considered in England an infraction of the vested rights of the lessees, which could hardly be tolerated.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

How has the Tithe Composition Act operated?

I think remarkably well. I conceive that it is making very beneficial progress through the country; and many who were not friendly to it at first, who were a little alarmed at its first introduction, have become converts on the subject. I was myself in the first instance (independently of its affecting a principle) alarmed at its probable operation. The second act has been felt to be a great improvement. There was one grand difficulty in the first act, which tied up the hands of every vigilant bishop. In the case of an amicable composition, in which the clergyman (being generally willing to accept whatever he can get within any reasonable limits) is, of course, always brought down to the lowest amount he can properly take, and the lowest the bishop can properly assent to, the money rate being fixed only for the first three years, and being afterwards to be regulated

Lords,
April 29, 1825.
p. 648.

p. 649.

at the several tenancies of years through the entire term of composition, by the variation in the price of corn, that variation, it was felt, might cause such a reduction in the income of the clergyman as might materially affect his means of subsistence; and the bishop was, consequently, as the money payment was not a fixed one through the whole period, restrained from giving his approbation; and thus the amicable composition, which is by much the best mode of adjustment, was prevented, and the bishop made to appear unwilling to forward the measure of composition: But the amendment of that act, whereby the money payment for the whole period has been fixed, has relieved us from the difficulty, inasmuch as whatever is now fixed upon at first is to continue throughout.

Has it operated to a very considerable extent in your diocese?

It has, to a very considerable extent; so far, as to be at present in progress in a great many parishes, and the composition completed in many others.

Is it likely to operate to a still further extent?

It is. Unless it be resisted on the part of the parishes, which I have not any reason to believe will be the case, I am disposed to think, that there will scarcely be a parish in the two dioceses in which it will not be introduced, and that at no great distance of time; it appears to give fully as much satisfaction to the laity as it does to the clergy, in the part of the country with which I am connected.

HIS GRACE THE ARCHBISHOP OF ARMAGH.

Lords,
26 April 1825,
p. 586.

HAS the Tithe Composition Act been carried into execution?

Yes, it has been carried into execution in a few instances; I think in about seven or eight.

Have attempts been made to carry it into effect which have failed?

In two benefices attempts have been made, which have failed.

Lords,
26 April, 1825.
p. 587.

To what does your grace attribute there not having been more attempts made to carry it into execution?

I attribute it to the agreements that are in existence at present with the clergy. Most of the clergy of Armagh agree with their parishioners that they shall pay them a certain sum.

The effect then is the same?

Yes.

Do the clergy experience much difficulty in the collection of their tithes in the diocese of Armagh?

No; I think in consequence of the agreements they make with the people, they do not experience much inconvenience; there is a very good feeling between them and the people.

HIS GRACE THE ARCHBISHOP OF CASHEL.

WHAT has been the effect of the Tithe Composition Act, so far as you have had occasion to notice it?

Lords,
March 25, 1825,
p. 438.

As far as it has gone, it appears to have been popular among the poor; and, I believe, would be carried universally into effect, if it were not for the opposition it receives from the occupiers of grass land, who pay but little tithe at present. The inferior orders have been very much relieved where it has taken place, to the extent of at least one-third, and sometimes of one-half. The weight of the tithe, of course, has been thrown upon the grass lands; yet many considerable proprietors of grass land have very willingly acceded to the additional charge upon their property.

Have you reason to believe that the act will have more operation in future?

It seems going on but very slowly. Perhaps it has taken place in only ten or a dozen instances in the diocese of Cashell at present, but it is proceeding.

Of course it would be better to leave it to the effect of its natural operation for a certain time?

Yes; the common people I think, universally, as far as my own experience has gone, are delighted with it. They are sensible it is a great relief to them; and they have paid, I am told, very cheerfully, where a composition has been settled under the act.

Does your grace consider that the opposition of the proprietors of grass land is the only opposition which has existed?

I think so.

A. R. BLAKE, ESQ.

Lords,
2 March 1823.

HAVE you had any opportunity of knowing whether good has arisen from the act for the composition of tithes?

I have heard in several places of the Tithe Composition Act having been carried into effect with great advantage to the country.

Do you think that the Composition Act could be amended or altered in any way, so as to come into more extended and advantageous operation?

Perhaps if the Act should not come into general operation, a compulsory clause might be called for.

Do you think, if it could be left to a good-will operation, it would be preferable?

I would much rather leave it to its present operation, which appears to me to be giving satisfaction, and to be extending that satisfaction every day.

THE MOST REV. DANIEL MURRAY, D.D. and
REV. J. DOYLE, D.D.

Comm.
22 Mar. 1825.
Report, p. 238.

Dr. Murray.—ARE you at all acquainted with the operation of the Tithe Composition Bill?

Not at all; I have heard, that where it has been carried into operation, the effect has been favourable; but I am not personally acquainted with any case in which it has been carried into effect.

Have you heard that it has had the effect of re-

moving the pressure from the small holders of land who paid the tithe of potatoe, to a general burthen upon all the land ?

I have heard so, that it divides the burthen more equally, and relieves the poorer classes.

Dr. Doyle.—I think, if the present Tithe Composition Bill were universally adopted, or a compulsory clause inserted it, and the tithe levied by an acreable tax, that would excite infinitely less discontent than exists at present.

General Observations:

In the preceding abstract of evidence received by the Parliamentary Committees, the reader has had submitted to him a view of the character and condition of the Irish peasantry, of some of the causes to which their sufferings and their excesses are usually attributed, and of measures intended to suppress the disorderly spirit which had grown strong in them, and to alleviate their distresses. The Editor feels that his individual testimony cannot increase the importance of the evidence which he has selected and abridged, but yet he cannot refrain from expressing his conviction, founded on much personal observation, and strengthened by its conformity with the experience of many observant men, that those unostentatious measures by which the Government has endeavoured to improve the domestic condition of the Irish peasant, will be found, and at no remote period, to have greatly improved his character. Mr. O'Connell has given it as his opinion, that the beneficial effects which might be expected to result from the measure of petty sessions have not yet been experienced in the south of Ireland, where the nature of that measure is not as yet sufficiently understood ; but other witnesses, better acquainted with the habits and feelings of the peasantry than Mr. O'Connell can be supposed to be, have stated, that much greater confidence is felt in the local administration of justice since the practice commenced of hearing causes in open court. Seeing testimony to this effect, borne by resident nobility and gentry, both Protestant and Roman Catholic, and by Roman Catholic priests, who are very unlikely to be mistaken in their opinions of the people's feelings, the reader will, in all probability, entertain little doubt, that the measure of petty sessions has already been of important advantage. It appears in evidence, that the magistrates have been appointed arbitrators where they were not legally empowered to act as judges, and that many cases have thus been intercepted, which would otherwise have been brought before the general quarter sessions, would have oc-

casioned much loss of time, would have been productive perhaps of much drunkenness and riot, and would have furnished subject matter for future quarrels, terminating in confirmed animosity and faction. Much of this evil is remedied by the respect already entertained for the decisions of the magistrates in petty sessions. These decisions are generally delivered in a crowded court, and are, of course, formed under an impression favourable to the due administration of justice, that all decisions are to be subjected to the scrutiny of public opinion. The consequence is, that the peasantry respect them; that having an opportunity of telling their own stories, and being listened to with patience and attention, they are in general satisfied to acquiesce in the judgment of the bench, (especially where the magistrates are unanimous in their opinions;) they are taught to believe that justice may be impartially administered, and in proportion to their familiar acquaintance with the new system, their almost superstitious reliance on magistrates, who, they thought had power and inclination to protect them against the consequences of their worst offences, is changing into a very edifying assurance, that while they "do well" the law will give them its protection. Thus, justice is brought home to the peasant's door, and an improving intercourse is encouraged between the poorer classes and the gentry.

In the abstract, little is to be found with reference to the grievance of the tithe system, because little reference is made to such grievance in the evidence taken before the committee of either house of Parliament. Mr. Sheil has stated (so light an evil has this system been), that, if the claims of the Roman Catholics were granted, it would not be thought of as a means of powerful excitement, but, as he declares himself not well acquainted with the poorer classes, much importance, perhaps, may not be attached to his testimony respecting them. It will be more advisable therefore to compare the testimonies of two witnesses who have had opportunities of knowing the feelings of the people at large, and who are neither of them remarkable for a disposition favourable to the security of tithes;

Lords,
21 Mar. 1825,
p. 98.

THE EARL OF KINGSTON AND MR. O'CONNELL.

Comm.
25 Feb. 1825.
Report, p. 49.

D. O'CONNELL, Esq.—The Irish Acts enable the peasant to hold a kind of battle with the tithe owner upon every thing but potatoes; with other things he can serve a notice to draw, but with potatoes it is not so; there is no statute provision respecting the potatoe, and then if the peasant begins to dig his potatoes, he is completely at the mercy of the tithe owner; and it is

right to say, that he is in general not very harshly dealt with where the clergyman has the tithes himself; but when they are in the hands of laymen, and frequently persons of the same persuasion with himself, is very badly dealt with; if he begins to dig he has no mode afterwards of defending himself against the demand.

That is, if he begins to dig previous to making an arrangement or bargain for his tithes?—Yes; and that is the interval that takes place between the going out of the old potatoes and coming in of the new harvest, because the bargain for the tithe is not made or tendered to him at that early period; he has great distress in general at that time.

Comm.
25 Feb. 1825.
Report, p. 50.

EARL OF KINGSTON.—The thing that prevented tithe being paid in kind before, was the subtraction of potatoes, and also fancying, that if three or four gave notice to them, that it was a combination; but the people have now grown wiser, and as to the subtraction, they have now got more knowledge upon that head; for as to potatoes, they give notice to the rector to take his potatoes day by day, as they dig them, and being a daily tithe, that business of subtraction will be at an end, for he will have to take them so very often, that that will probably induce him to come into proper and fair terms, which the people are very willing to give him. The vicar was perfectly satisfied with the agreement made, and the parish was perfectly satisfied, and the people have been very much gratified by the clergyman and the bishop agreeing that a church should be built in the parish; a church has been given to the parish of Temple Teeny, which is to be built this year.

Lords,
6 May 1825.
p. 712.

If the noble earl be correct in his judgment, it appears that the law respecting the tithe of potatoe, and the custom of the country, so far from being adverse to the tithe payer, is, on the contrary, a means of reducing any refractory clergyman to submission. If his lordship be in error, it is in all probability because no legal decision has been pronounced upon a case of

"giving tithe in kind," such as that which is now to be tried ; and it is not easy to conceive, that any landlord would permit his tenantry to suffer very severe hardships, without making one (and so simple, an) effort, to ascertain whether the law was in favour of the tithe payer or the tithe owner. It will therefore, perhaps, occur to the reader, that the subject of tithes was resorted to rather as a means of "rhetorical excitement," than because of any hardships which they caused the peasantry to endure. Considered in this light, tithe might be made a national grievance ; and it is therefore a gratifying thing, that, as a means of exciting angry passion, it has been rendered inoperative by the Tithe Composition Act. Even if that Act had not come into operation so extensively as it has, yet it has made the principle of tithe so easily comprehended, and has, from the discussions to which it gave rise, caused the nature of that species of property to be so generally understood, that most men now look upon tithe to be a portion of rent, and know, that the tenant is nothing more than an agent, who hands over a sum of money, which would not in any case remain with him ; but which if the tithe owner were not to receive it, must be paid in increased rent to the landlord.

But there is good reason to hope that the Composition Act may render the country more important service. According to a paper delivered in evidence by Mr. Foster, it had been adopted in 368 parishes ; and since the registry of such agreements, so many other parishes have compounded, that the act is in fair progress towards being in operation throughout the entire country. Thus, it may be expected, that the feelings of the peasantry towards the clergy of the established church will be less likely to be embittered, by either the vexations of the tithe proctor, or the efforts of the agitator, and the usefulness of the parish minister will be left to produce its natural effects on hearts which can be made sensible of kindly and christian attentions.

The Editor does not offer any comments on those other important measures, by means of which good magistrates and an efficient constabulary force have been secured to the country, because he will not occupy these pages with observations which have more weight when given in the form of evidence. He will therefore conclude this part with accounts of the present state of Ireland, given by various officers under the crown, from which the reader can collect what has been the efficacy of the measures adopted to suppress disturbance, and, as far as possible, to render tranquillity permanent. He cannot, however, without injustice to his readers, and injury to his subject, omit noticing some further improvements suggested, as likely to ameliorate the condition of the Irish peasantry, by simplifying the payments they make on account of land, and setting them

free from the peril of repeated legal distresses. The Editor is enabled to select, from the evidence of the Hon. R. Day, the account of these proposed improvements.

HON. R. DAY.

IT strikes me, that the tenant should be chargeable only with his reserved rent, with nothing but the precise sum which he has expressly covenanted to pay. All those charges, deductions and impositions, all the grand jury, government and other taxes, every receipt which the tenant obtained for money paid by him *quâ* tenant, should be allowed by the landlord towards discharge of his rent.

Lords,
May 25, 1825.
Report, p. 853.

In what respect would such an arrangement be more beneficial than that which now obtains?

In this respect; that the tenant, as now circumstanced, cannot calculate the precise outgoing that he has to pay. We know that the county expenditure is in a progressive state, increasing year after year by new duties cast by the legislature upon the grand jury. The burdens which these create all fall, by the covenants we introduce into our leases, upon the occupying tenant; and God knows, he has already amply enough to pay in rent, fully adequate generally to the value of his land.

Are there not many cases in which such an arrangement, if it were retrospective, might come to more than the landlord's rent?

p. 853.

My answers of course apply only to future contracts. The legislature never operates retrospectively, and will in no case affect the past or existing contracts.

While the system of middle tenancy prevails in Ireland, would it not be rather a hardship on the head landlord to pay the whole, while the middle tenant has a greater interest than he has?

There must no doubt be some care taken against that consequence by the landlord. But if he in his leases

will not guard against the injurious practices of sub-
infeudation, it would be not at all a hardship, that he
should be the victim of his own impolitic system.

Lords,
May 25, 1825.
Report, p. 854.

Would not each person who lets land remunerate
himself by increasing the rent, in consequence of
taking upon himself the burthen of the taxes ?

He would provide for that state of things, and reserve
an increased rent to meet the burthen.

p. 854.

The landlord would ensure himself by an increase of
rent against what he conceived to be the average
amount of the assessments ?

Yes ; and on the other hand, the tenant would know
what he was to pay, and would be always provided ;
whereas at present, he is often unprepared for taxes and
rent, and of the two, it is the taxes that frequently come
the heaviest upon him. He is provided with his rent,
for that varies not, but the grand jury assessments, tithes
and other taxes, he is not provided for, as they vary,
by an uniform increase, every year. The miserable
occupier or owner of tithes is also a particular sufferer.
The clergyman, who is the first in right, is the last con-
sidered ; and thus he is generally the victim of that
system, of the landlord casting every burthen on the
wretched occupying tenant, who is forced to assume a
rent under which he is scarcely able to exist. His back
is already so overloaded, that a feather will break it.

p. 870.

I should like to limit the legal right of distraining
under all future leases to the head landlord, leaving the
middlemen to their actions of debt and covenant ; this
would relieve the overloaded occupier, and contribute
essentially to put down the present mischievous prac-
tice of sub-letting. There is a practice, too, quite
familiar in the province of Munster, in its effects ex-
tremely injurious, which I apprehend does not obtain
to the same degree in other parts of Ireland, that of
advertising lands to be let to the highest and best
bidder. I should like to see every such act even made

a misdemeanour, or rather prohibited under a penalty ; it is productive of the most mischievous and lamentable effects. Instantly a competition for land is excited, as ardent as at an auction, in a country where there are no manufactures, and where men live only by land ; and often more than the value is offered ; and the landlord is so shallow, as in many instances, to think that the man who bids highest is the best tenant, and ought to be preferred. The course that ought to be adopted by every landlord, should be to value the farm out of lease, and see what the value is, and choose a tenant for his solvency, industry, and character, and deal with him as a man would for any other commodity ; really the practice of advertising lands is a source of the greatest evil.

The suggestions of the honourable witness, on other matters, will be found in the proper place. With respect to the last suggestion given here, it is to be hoped that the returning good sense of the Irish landed proprietors will render a law on the subject unnecessary, and that the practice, which is now so general, will soon have become universal, of letting land on fair calculation, not by competition. The Editor concludes this part of his subject with extracts from official dispatches, on the state of the districts which had been disturbed in Ireland.

PAPERS PRESENTED BY COMMAND.

M. Blacker, Esq. to the Right Hon. H. Goulburn.

HAVING now finished my circuit through the disturbed parts of Cork and Tipperary, I have the honour to state to you, for the information of the Lord Lieutenant, that nothing has fallen within my observation, to induce me to doubt the gradual return to tranquillity and good order which I have of late represented to be visible in both these counties.

Lords,
Feb. 16, 1825.

Sept. 19, 1824.

Major Carter has succeeded in inducing some of the farmers to unite with him against the Whiteboys, and to go out with the police in their patrols, and I hope that these measures will be productive of good effects.

Nov. 4, 1824.

Lords,
Jan. 21, 1825.

The greatest activity still prevails in the collection of the "Catholic Rent," and a perfect system of treasurers and collectors is established every where; the former office is generally filled by the priest, the latter by farmers and shopkeepers; and exclusion from the chapels, and denunciations from the altar, are resorted to against the unwilling contributors. The people are persuaded that their subscriptions will shortly produce some great but undefined advantage, and wait with anxiety for its arrival, but as the priests preach tranquillity, and even decry Pastorini's prophecies, and as the collectors are, many of them, inoffensive characters, and the farmers are, generally speaking, tired of insurrectionary proceedings, the gentry do not apprehend any immediate disturbance.

F. Blackburne, Esq. to the Right Hon. H. Goulburn.

Dec. 17, 1824.

I RECEIVED the letter which I inclose, from Mr. Lloyd, and, in compliance with his request, submit to your consideration. The facts which he states as to the collection of the "Catholic Rent" are important. I am myself satisfied, that in general it is paid on the credit of assurances, which, without pointing at any definite object, encourage the people to think that their money will be employed in bringing about events, which the prophecies have taught them to look to in the approaching year. .

(Inclosure) dated Beachmount, Rathkeale.

This neighbourhood continues tranquil, and I do not foresee any renewal of the scenes of 1822. There is no movement or preparation for mischief at present here, except what may result from an organized system of collecting the "Catholic Rent," for the enforcing of which all the influence of the Catholic clergy is unremittingly employed. The influence of the clergy over the people is greatly increased; this system of the

"Catholic Rent" has brought the people and their clergy closer than ever to one another; their connection heretofore was religious, it is now political; the priests tell the people it is for their good to pay the rent; they tell them this, and significantly withhold any further explanation. This undefined and mysterious mode of acting leaves the people to their own construction; therefore a rumour or a feeling prevails among them universally, that we are to have a rebellion. I find that Pastorini's prophecy, about the extinction of heretics in 1825, which had subsided, is again revived.

Mr. Lloyd
Beechmount,
Rathkeale.

F. Blackburne, Esq. to the Right Hon. H. Goulburn.

I HAVE the strongest persuasion, that the exertions of the magistrates and police, and the ordinary laws of the land, will hereafter prove adequate to preserve the tranquillity of this part of the country. It will be found, on a review of the proceedings under the Insurrection Act, since the liberties of Limerick were subjected to its operation, that it has had the salutary effect of prevention. The trials have been very few, considering the extent and population of the liberties, the restoration of tranquillity has consequently been effected by a very limited use of the penalties of this law.

Limerick,
Jan. 14, 1825.

A trial of unusual interest and importance occurred before me at Six Mile Bridge. It was the case of a soldier charged with having tendered an illegal oath. The trial lasted about seven hours, and the prisoner was acquitted by the unanimous judgment of forty-seven magistrates. I regret to say, that the evidence on the part of the prosecution disclosed a foul conspiracy to accuse and criminate the soldier, and that the most profligate means were resorted to, to effectuate the object of the conspirators.

Lords,
Feb. 18, 1825.

Jan. 14, 1825.

The taking of fire-arms, and the destruction of property, appear to be discontinued; and though outrages sometimes occur, which at former periods were certain indications of an insurrectionary spirit, their number is so limited, and they are attended with such distinct evidence of their originating in local and personal causes, that they appear to me to be the natural effect of the state of the country, and the condition of the lower orders of its population. .

The administration of illegal oaths appears also to be discontinued; but it is right to add, that I have heard from authority in which I confide, "that on the northern border of the county of Limerick, in the vicinity of Newport, an oath has been lately administered or tendered, the import of which is to be true to the King, to preserve the peace, and to be faithful to the Catholic Association."

The collection of the "Catholic rent" is conducted with system and vigour, and is aided by the whole influence of the Roman Catholic priesthood. The publications disseminated by the "Association," evince a decided and uniform spirit of hostility to the Protestant religion and establishment.

That the Roman Catholic clergy and the Association inculcate the necessity of peace and submission to the laws cannot be doubted. On principle, I should say, that there is mischief in allowing any irresponsible body to arrogate to itself the right or power to have in its keeping the peace of the country; but it would be too much to infer (as I believe some do) from present submission, the intention of future resistance to the law. If such an intention exist, its accomplishment must be by means at present undisclosed.

Roman Catholic clergy invest money in government security, and have lately made considerable investments.

In what degree the advice of the Roman Catholic clergy and Association may have contributed to the

present state of tranquillity, it is not possible to assert ; but whoever has observed the progress of events during the last three years, and the operation of positive causes of tranquillity, must refuse to admit the claim of exclusive merit to which these bodies appear to make pretension.

Lords. .
Jan. 14, 1825.

In the same spirit with the above extracts, all the communications to Government appear to have been made. The inspectors of police for the four provinces attest the tranquillity of their respective districts, and appear to have no apprehension, except from the efforts of the Roman Catholic priests and Association. Mr. Bennet reports in a similar manner of the Queen's County, and Mr. Drought, of Limerick, expressing, however, some apprehensions on account of the dissemination of very inflammatory tracts, and of a report, generally circulated, that the "Rent" was intended for the purpose of paying a new police, to be raised by Mr. O'Connell. On the whole, the various communications give an assurance of returning tranquillity, and of a tranquillity upon the continuance of which some reliance can be placed, inasmuch as it is the result of causes which indicate improvement, and which are likely to ensure its continuance. The reader may compare the encouraging manner in which the communications of the present year are made, with that in which the letters of the police magistrates were made some years since, and judge for himself what the improvement has been. The Editor selects a passage from the report of Majors Wilcocks and Warburton, made in the year 1821, and to be found in the Appendix to the last Report of the Committee of the House of Commons, for the year 1825, p. 847.

"We before observed, that we must consider the disturbances in this district on a more general scale, and not as local, or confined to this county; and when we see the same spirit of resistance, the same anxiety to arm themselves, the same hostility to tithes, the same system of affiliation, the same description of notices from the disturbers, the same system of terror, attempted to be established by the same means of assassination and barbarous cruelties, and those circumstances occurring successively in other counties, showing themselves almost every year in one county or another, we cannot consider that the disturbances in this county are by any means confined to its boundary,

110 MEASURES ADOPTED BY GOVERNMENT, &c.

Lords,
Jan. 14, 1825,

or that their objects are of a local or insulated nature, we must repeat our opinion, that there is a systematic proceeding in all those disturbances, and that the people are unfortunately worked upon by invisible agency, brought into a degree of organized and mysterious affiliation, all-tending to an ultimate object; and that object must be the total upset of the established order of things. And it is worthy of remark, and probably illustrative of their general and ulterior object, that in no one instance where any county has been disturbed, and restored to order by the measures of the Government, has there been a fair and unequivocal surrender of arms, which must have been the case if there was **not** an ulterior object in view for holding them. Arms are a very useless property to the industrious peasant, and are very rarely obtained for any honest purpose."

SECTION II.

CHAPTER I.

Roman Catholic Clergy—Education of.

D. O'CONNELL, ESQ.

YOU have said, that in general those persons who have been educated for the priesthood, are lowly born ?

Lords,
Mar. 11, 1825.

Yes, so generally as to partake in some measure of universality.

Have you observed any difference in the loyalty of priests who have been educated abroad, and those who have been educated in Ireland ?

Comm.
Report, p. 120.
March 4, 1825.

No, with this exception; the priests who were educated in France were old, I may say, when I became a man, and they had a natural abhorrence of the French revolution, which bore so much on the Catholic clergy. They were very strong Anti-Jacobins, if I may use the expression. By that means there was among them a great deal of what is called ultra-royalism; but, with the priests educated at Maynooth, the Anti-Jacobin feeling is gone by, and they are more identified with the people, and therefore, in the phrase that is usually called loyalty, they do not come within the description of it so much as the priests educated in France, for that reason; but then, in the time of my father and uncle, the priests educated in France were Jacobites. They were enemies to a certain extent; while they submitted to the laws, their own opinions ran against the succession of the present family on the throne; and they were perhaps dangerous before the French revolution, in that respect.

Lords,
Mar. 11, 1825.

Are you acquainted with the number of burses in foreign universities now remaining?

No, I am not; but I heard in round numbers that there were now educating in France, for Ireland, something about 200 priests, not on Irish burses, but on means found by the Catholic church in France, or persons acting under the government. I have heard that estimated at 200; of course, that is a loose estimate.

What is the amount of those burses?

About 25*l.* British, a year, was the income of each burse. The way in which they were established, was by vesting a sum to accumulate in the French funds for a certain number of years, and then the accumulation to be left for ever, hereafter, at interest; with a portion of it, however, in the nature of the sinking fund; but being a fund always accumulating, so that the number of these burses will increase.

You have said, that the present clergy are in general the sons of persons of a low condition; what is the class from which the former clergy were taken?

I do not mean to make a contrast in that respect; the former were taken from the same, or nearly the same class. I should think, perhaps, a little superior; but the difference not very great, and by no means for any public purpose could I say it would be essential.

At present; the Catholic clergy educated in Ireland are educated under very strict and rigid discipline, from a very early period of life, from that period when the desire of science is a voracious appetite to a person separated from amusements and business; and they have, in my knowledge of them, acquired a very superior degree of intelligence; and, being most of them the sons of very low persons, they have astonished me, not only by their manners, but by the classical facility and elegance of their style in writing. I could refer to some of the controversies on the distribution of the

Bible, which have lately taken place; the public speeches of many of the priests are written (putting the argument, of course, out of the question)* in a style quite superior to that of which the former class of clergy were capable.

REV. J. W. DIXON.

You stated, that you were educated as a priest at Maynooth, and were actually an officiating priest in Ireland? Lords,
May 20, 1825.
Report, p. 819.

I did.

What are the feelings the students at Maynooth are taught to entertain towards Protestants? p. 819.

They are instructed to consider them as separated from the pale of the church by their heresy, and, consequently, as no sharers in the blessings which they are taught religion has brought into the world.

Among the doctrines of that church, is the means being justified by the end, or the object proposed, one; for example, that bad measures may be taken to effect good objects? p. 821.

I recollect it is an axiom laid down in the principle of education connected with the pursuit of ethics, that the end justifies the means.

Can you quote the passage from the book used at Maynooth, that proves the statement that they teach that the end justifies the means? p. 830.

I cannot quote the passage, but I certainly imbibed an opinion to that extent from the education I received.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

From your Grace's observation, do you think that a foreign or domestic education of Roman Catholic clergy is the most desirable? Lords,
May 15, 1825.
Report, p. 784,
p. 785,
p. 786.

My views upon that subject have been, that, notwithstanding disadvantages undoubtedly attaching to a foreign education, yet, taking it under all its bearings,

Lords,
May 13, 1825.
Report, p. 784,
p. 785,
p. 786.

it is preferable to the education at Maynooth. With all its disadvantages, I should prefer a foreign education.

From what reasons does it appear to your Grace that is the most desirable?

I think the description of Roman Catholic clergy likely to be had, and which was procured in former times, from a foreign education, is superior to that produced by the domestic education of Maynooth. Speculation and experience go together upon the subject. The impression upon my mind, with respect to the Roman Catholic clergy of former days, was certainly much more favourable than it has been with respect to those who have been educated at Maynooth. There are circumstances with respect to the education at Maynooth, arising from the unfortunate state in which Ireland in later times has been placed, that naturally enough account for this result. It would seem, that whatever withdraws for some time from the scene of fermentation and party a considerable portion of the Roman Catholic youth, and especially those of that description who are to have a leading influence upon the principles and feelings of the mass of their population, must, in its own nature, be highly advantageous. In Maynooth the student still breathes, if I may so say, the atmosphere of inflammation. The intercourse is there kept up with those persons with whom he might have been connected before he entered the college; and if that connection was not a wholesome one, if the individual or his friends had been connected with associations not beneficial to society and to loyalty, which have been of late too widely spread through Ireland, there is great danger of an influence continuing to work upon him which may be most injurious in its effects. The education there has, I believe, been considered, even by sensible men among the Roman Catholics themselves, to be of a description much inferior to the

former continental education of their clergy; inferior as to learning, and manners, and professional utility, as well as to liberal sentiments, and adaptation to society. The instruction which they receive in that place is, as I understand, of a species much inferior to what might be received in the foreign universities; and their learning, being of a nature proportioned to their professional objects, is, as I apprehend, principally conversant about that very system which seems to present the chief obstacles to the safe admission of Roman Catholics to civil power in a Protestant state. Besides, from the exclusive and predominant study of that system in itself, much injury arises to the mind of the student. The pride of giving perpetuity to what has acquired command over mankind by the authority of councils and popes, through a long series of ages, and this sustained on the high ground of infallibility, cannot fail to cause impressions on the young mind, which, when not counteracted by the liberalizing effects of a more generalized education, tend to elevate extravagantly in his own estimation the individual who finds himself connected with such a system, and whose duty it will become still farther to extend and maintain it. But still more injuriously do they tend to elevate him in his comparison of himself with the professors of every other Christian denomination, whom he is taught by this system to consider but as the growth of yesterday, as having no share in the privileges of what he calls the church, and who, in not acknowledging the authority of that church, are to be viewed as rebels and deserters from its jurisdiction. All this the books which are their constant study daily inculcate; and this they here learn to be their duty afterwards to teach and to inculcate upon others. How opposite all this is to the liberal effect of an university where the benefits of society are had, as well as the benefits of a more liberal education, is too obvious for remark. But not only from these views does educa

Lords,
May 13, 1825.
Report, p. 784,
p. 785,
p. 786.

Lords,
May 13, 1895.
Report, p. 784,
p. 785,
p. 786.

tion in the foreign universities seem to present advantages above the home education in Maynooth, but, in point of fact, the former, as it practically worked before the establishment of Maynooth, brought with it some practical benefits of its own. It was not uncommon in those days, as I have understood, for a gentleman of property in Ireland to assist a Roman Catholic tenant, of a worthy description, who might desire to have his son educated for a priest, by enabling him to fit him out, and to defray the expense of sending him to some of the foreign universities; and the kindness did not stop here; but when the young man, after receiving the benefits which an education, sought so far, and so difficultly obtained, and of the advantages of which he would of course be so desirous to profit, when the young man so circumstanced returned to his own country, the same generous benefactor who had at first befriended him, would frequently, as was very natural, follow up his former kindness by other acts of patronage and good-will, forwarding, possibly, by his influence with the Roman Catholic bishop or rector, his appointment to some desirable professional situation, and thus attaching this young man and all his friends by lasting gratitude. I need not remark to your lordships on the vast advantages, in the way of cordiality and general good-will, which such a kindly bond of connection must have caused; and, if such things were frequent, must generally have spread through the country. Such was the former state of things, and, in such kindnesses, religious differences were often forgotten; at all events, generally softened. I much fear, that the effect of the present system is of an opposite character. There is too much reason to apprehend, that in Maynooth a feeling hostile to cordiality is fostered; and that, as soon as the young man parts from college, and is appointed to some clerical situation, he is in general rather anxious to distinguish himself as a champion

for the rights of the church to which he belongs, and whose supremacy he is desirous to assert. It is generally among the young priests who have been educated at Maynooth, as far as I have been informed, that the forwardness to impress such matters upon the minds of their people, and to intermix spiritual with political concerns, principally prevails. Therefore, with respect to the Maynooth institution, I am obliged, upon the whole, to give it as my opinion, that, as it is at present constituted and conducted, it is not favourable to tranquillity, nor, I fear, to the principles of a sound civil allegiance. I am, therefore, in answer to the question, under the necessity of saying, that, so far as the education of Maynooth is to be taken as the representative of the domestic education for the Roman Catholic clergy of Ireland, I consider the foreign education to be preferable to the domestic. Having given my opinion so decidedly on Maynooth college, I beg leave to add, that, at the time when that college was founded, I felt the danger of an exclusive establishment for Roman Catholic students so strongly, that I then expressed my objections to it openly, and interested myself as far as I properly could against it; having urged to the representatives of the university of Dublin, of which I was then a member, the propriety of opposing the bill for founding that college, in its passage through Parliament. The disadvantages of the contracted and monastic plan, which a separate college for Roman Catholic priests would require, were strongly contrasted in my mind, with the advantages which would redound both to the character of the Roman Catholic clergy itself, and to society at large, from the mixture of the two denominations, Protestant and Roman Catholic, in the same university. At that time, Roman Catholic students abounded in Trinity college, and there was nothing of the hostility between the two religious descriptions that has since unhappily so much prevailed in Ireland.

Lords.
May 13, 1825.
Report, p. 784,
p. 785,
p. 786.

Lords,
May 13, 1825.
Report, p. 784,
p. 785,
p. 786.

It seemed then most desirable to bring the two classes together within the same seminary; and for this great facility was afforded, there being nothing in the regulations of our university that would throw impediments in the way; nothing whatever to excite apprehensions as to proselytism, and no academic rules interfering with the religion of those who did not belong to the established church. The custom had uniformly been, and still continues, to exempt both the Roman Catholics and the dissenters, who entered themselves as such upon the dean's list, from attendance upon chapels, and all other duties connected with religion; requiring only the discharge of those duties which ministered to education, and to the attainment of the bachelor's degree, which Roman Catholics were enabled to take by a special act of Parliament. It appeared to me and others at that day, that, under these circumstances, an arrangement might be formed, whereby the Roman Catholic student might have every benefit of a liberal university education, and at the same time be provided, through some distinct scheme of religious institution of their own formation, with the instruction peculiarly requisite for their future profession, the heads of the university being at all times ready to offer facilities for such a plan on their part. With these views I was induced at that day to object, in my capacity of an academic, to the establishment of the college of Maynooth.

REV. M. O'SULLIVAN.

Lords,
May 27.

THE Roman Catholic priests are for the most part taken from the poorer classes, and appear to be, after their collegiate education as they were before it, with respect to their moral qualities, and their political prejudices.

Comm.
April 26, 1825.
Report, p. 479,
p. 480.

Are not the priests, who have been educated at the college of Maynooth, more intolerant and violent in

their conduct, than those who have received their education on the Continent?—I think so.

What circumstances have tended to produce that effect?—I think in part the system of education at Maynooth; I believe it to be of a more intolerant nature than the system adopted on the Continent. The students at Maynooth do not mingle in general intercourse so much as they would if they had been on the Continent, where it is probable also that the affairs of Ireland were thought of so little as that there was nothing to keep alive political rancour in the mind.

Were not those priests who were formerly educated on the Continent, of a superior class to those who are educated at Maynooth?—They were, I believe, better educated priests than those we see now; but whether their superiority was owing to the continental system, or that they were of a superior order of people, I do not know. I believe it required a greater command of pecuniary resources, formerly, to educate a priest; Roman Catholics have regretted to me very much the state of education at Maynooth.

Comm.
April 26. 1845.
Report, p. 479,
p. 480.

General Observations.

That the Roman Catholic priesthood should ("to a degree almost partaking of universality") be taken from the poorer classes, as Mr. O'Connell has expressed himself, will be admitted to be a matter of no ordinary moment, when it is recollected, that illegal associations are so numerous and extensive, and that the principles entertained and acted upon by the great mass of the population out of which the priests are taken, are all, more or less, hostile to law and government. It should not be forgotten, that students are rarely admitted into Maynooth until they are of mature years, and until, in consequence, the principles to which they have been exposed, and the prejudices in which they have been living, have had full time to produce their effects upon the character. From the manner in which the interval is spent between the time on which the determination is formed to aspire after a learned profession, and the day when admission into college is obtained, it requires great dependance upon a young person's steadiness of mind, to believe that he has resisted the dangerous spirit, to the influence of which he has perhaps, during all that

time, unhappily been exposed. This exposure is not to be considered as confined to what he may see and hear under his parent's roof, and amidst his school-fellows, and natural connections; if it were, the danger might, to a considerable extent, be counteracted by the active and affectionate vigilance of persons deeply interested in his welfare. But the circumstances in which he is placed are, most probably, far different. As soon as it has been decided that the youth shall receive a classical education, the parent, or more frequently the son, looks out for some school where he may obtain gratuitous or cheap instruction. When such a school is not found in his own neighbourhood, the young person, without any hesitation, is sent off to a considerable distance from home, to lodge wherever he can procure accommodation, and opportunity of attending a desirable school. From the moment when this decisive step has been taken, parental authority and superintendence may be considered at an end; the young man, in anticipation of his future dignity, challenges, by his altered demeanour, the reputation of scholarship; is regarded as a person not only competent to be his own guide and master, but to controul the conduct of others, and thenceforth, for the principles he may adopt, or the associates with whom he may connect himself, he is left altogether to his own inclinations, or to the mercy of circumstances. Frequently changing (as he finds it necessary or convenient) his place of abode, he becomes domesticated with perhaps a great variety of persons; and if it be an undeniable truth, that a conspiracy against the Government has been, among the lower orders, very extensively organised, it is not credible that a young man so circumstanced as has been here represented, shall not become acquainted with seditious principles, and familiar with habits of disaffection.

The Editor does not undertake to say, that the system thus described is in universal operation; his own experience would lead him to conclude, that it is very generally adopted; and he considers it a confirmation of his conclusions, that all those persons who may be supposed best acquainted with the priesthood, have described them as persons taken out of the lower classes, and participating in the feelings of the people with whom they are connected. It is to be regretted, that so little information on this important subject was presented in the form of evidence offered to the select committees on the state of Ireland.

Dr. Doyle, on his examination, declares himself unacquainted with the manner in which the early education of the Roman Catholic priesthood is conducted—.

“ I believe their education throughout Ireland is various, and I can only speak to that which prevails in the diocese where I am myself.” And again; in

reply to a question demanding in what description of schools instruction was given, "I have already mentioned, that I cannot very well answer; that the education of the youth entering the Roman Catholic church is very various. I can speak only to that prevailing in my own diocese," where "the Catholics are more opulent than those in some other parts of Ireland," and where it is required that those who enter the ministry should be educated in the Carlow college, "or at least abide there for one year or two before their entering upon their ecclesiastical studies."—

At this college of Carlow it appears, that students are received from any diocese in Ireland, from which they may be sent.

RIGHT REV. J. DOYLE.

ARE they ordained for other dioceses besides that (of Dr. Doyle), after having received their education at that seminary?—Yes.

Comm.
Mar. 18, 1825.
Rep. p. 201.

For any diocese in Ireland?—For any diocese in Ireland; we receive them from any diocese, when they come recommended to us by their bishop.

From these answers, it was not perhaps unreasonable to infer, that Doctor Doyle would have been prepared to reply in a manner somewhat more satisfactory, when, in a few days after, he was questioned with respect to the early education of the priests. It could scarcely be thought unreasonable to expect, that the superintendent of a college, where students were prepared to enter into holy orders, should make some inquiries into the nature of the life which these students had led previously to their entrance into an establishment, where the course of education should have been so arranged as to supply what was deficient, and to correct what was erroneous, in the instruction which they had already received. This was expected from Doctor Doyle, in his testimony before the parliamentary committees, and in that testimony he did not fulfil such expectations. But elsewhere, and in another form, we are supplied with information, not perhaps such as we could desire, but certainly such as we cannot reject. In a letter addressed to Mr. Robertson, a member of Parliament, Doctor Doyle instructs us, that the priests are taken out of the poorer classes of the people, and that their education has not been such as to change or correct the feelings by which they identified themselves with the great mass of the

population. "The minister of England," he says, "cannot look to the exertions of the Catholic priesthood; they have been ill-treated, and they may yield for a moment to the influence of nature, though it be opposed to grace. This clergy, with few exceptions, are from the poorer ranks of the people; they inherit their feelings; they are not, as formerly, brought up under despotic governments; and they have imbibed the doctrines of Locke and Paley more deeply than those of Bellarmine, or even of Bossuet, on the divine right of kings; they know much more of the principles of the constitution, than they do of passive obedience. If a rebellion were raging from Carrickfergus to Cape Clear, no sentence of excommunication would ever be fulminated by a Catholic prelate, or, if fulminated, it would fall, as Grattan once said of British supremacy, like a spent thunder-bolt; some gazed at it, the people were fond to touch it."* When it is recollected that this passage is extracted, not from any letter written under the irritation of exasperated feelings, or in a spirit of angry controversy, but from an address to an individual with whom the writer coincides in opinion, it cannot be considered uncandid to infer, that it contains the deliberate sentiments of the avowed writer, the Right Rev. Doctor Doyle. The information it conveys may therefore be regarded as not less valuable, than that which was communicated to the parliamentary committees. Let it be therefore inserted, as it were, to supply the place of information which was withheld; and when, as a witness, Doctor Doyle declares himself unacquainted with the early education of the priesthood, let his declaration and acknowledgment as a politician, and a Roman Catholic bishop, supply the deficiency; and that declaration is, that the education of the Roman Catholic priests and prelates confirms such feelings, and communicates such notions with respect to the British constitution, "that, if a rebellion were raging from Carrickfergus to Cape Clear, no sentence of excommunication would be fulminated," or regarded.

From this declaration, advanced more in the form of a boast, or a menace, than a confession, it might be, not without reason, inferred, that Doctor Doyle has remained ignorant of the early education of the clergy of his church, because it was a matter of indifference to him how their early years had been spent, and whether the habits of those years might not have been of such a nature, as to render it necessary that the minds of students, in the college over which he presides or holds influence, should be prepared, by suitable discipline, for that species of reading which he states is most cultivated amongst them. No such inference, however, is insisted on here; but it has been judged expedient to show, from a deliberate and avowed publication of

* Letter on a Re-Union, &c. page 4.

Doctor Doyle, what may not be so clearly collected from his evidence, the character of that education which is imparted to the clergy of the church of Rome in Ireland.

There is one topic more to be adverted to before this subject is dismissed. In the letter to Mr. Robertson, it is intimated that, in former times, the clergy were instructed in doctrines which maintained the divine right of kings; and from the conclusion of the paragraph, in which this retrospective allusion is found, received as a comment on the manner in which Locke and Paley are now studied, it follows, that doctrines, the opposite of those formerly held, are now instilled into the students' minds. The effect of this kind of instruction may be collected from the evidence of Mr. O'Connell, according to whom, the priests educated at Maynooth are not "to be included in the phrase usually termed loyalty," in the same manner as the priests educated in France; because they are more identified with the people. How is this change in the ecclesiastical politics of the church of Rome in Ireland to be accounted for? The course of education prescribed for students in the college of Maynooth, was arranged by men who had been nurtured in those doctrines respecting the divine right of kings, which are now so generally rejected. They were men who, according to Mr. O'Connell, valued their high principles the more from the ruin which they saw brought down upon the church in France, because of the introduction of a more levelling system; and yet, these men permit to arise among them, and discharge the duties of their religion, a race of priests, who study less the great controversial writers of their church, than the political principles of English philosophers, and who, without scruple, embrace such notions of law and government, and of a people's rights, as (in the judgment of their superiors in the church) led to the revolution, which, in France, overturned both the throne and the altar.

Here is a problem difficult of solution, whatever the circumstances may have been, but rendered still more perplexed and embarrassing by the consequences which its solution may involve. Mr. O'Connell has stated, that the priests educated on the Continent were possessed with a spirit of ultra-royalism, but that this influenced them in favour of the exiled family; "that they were enemies to a certain extent, but that their jacobitism," during the reign of his late majesty, merged into "unaffected loyalty to the present family, the family of James having become extinct." Now, it cannot fail to excite some surprise, that, so long as the doctrine of the divine right of kings had a tendency to keep the minds of those who entertained it disaffected to the present state of things, it was the doctrine in which the Roman Catholic priesthood of Ireland was trained up, and that as soon as it became innocuous, or

Lords,
Mar. 11, 1825.

rather, as soon as it became a valuable auxiliary to that "unaffected loyalty" into which Mr. O'Connell states the feelings of the clergy merged, the doctrine was abandoned. Upon the whole, from a comparison of Doctor Doyle's letter with his own evidence, and that of Mr. O'Connell, this conclusion appears to be the truth, whatever the explanation of it may be, that, so long as there existed a pretender to the throne of England, the Roman Catholic priesthood in Ireland maintained the doctrine on which his claims were founded—the divine right of kings; and when, on the extinction of the Stuart family, that doctrine became harmless, and a licentious democracy at home was more to be guarded against, than any foreign claimant or invader, then the inoffensive, or (as had been before thought) the salutary doctrine was given up, and the Romish elergy allying their religion with democratical principles, maintained "the rights of the people."

It is, however, a very remarkable circumstance, that the course of education at Maynooth and Carlow, which is, according to Doctor Doyle, a fit preparation for *liberal* opinions on political subjects, is, at the same time, so constructed, as to guard with the most jealous caution, that no such principles shall be permitted to disturb the supremacy of the church. The students are instructed in the high claims which their church, in more prosperous days, advanced and enforced, and even where the statement of these claims may be modified by the ingenuity of a professor, anxious, as Doctor Delahogue expresses himself, to quiet the alarms of the Protestants, yet still, however the class-book used at Maynooth was intended, it seems calculated to advance the arrogant and unwarrantable pretensions of the church of Rome, and at the same time to familiarize the minds of her ministers to those habits of casuistry and evasion by which offensive truth may be disguised. The reader will find more upon this subject in another part of the present work. Some passages from the evidence shall be given here as illustrative of the preceding remarks.

REV. M. O'SULLIVAN.

Am.
il 26, 1825.
ort, p. 473.

IN the class-book used in the college of Maynooth, Dr. Delahogue's Course of Theology, there are enumerated the depositions of monarchs, I believe as many as twelve, some by popes, some by pope and council.

How are those mentioned? Doctor D. is arguing against the deposing power; but while he advances his own arguments and opinions, he shows that whatever is held an authority in the Church of Rome (as, the deci-

sions of councils, and the force of precedent) is adverse to him, and favouring the assertion of a deposing power.

HIS GRACE THE ARCHBISHOP OF DUBLIN,
and The REV. W. PHELAN, B.D.

Do you find any authority in that book for the decline of the universal jurisdiction of the Church of Rome, even over those who do not belong to her communion?— Yes; I find a passage strongly applying to that subject, in Chap. 8, De Membris, of the Tractatus de Theologia, for the use of the Maynooth students, by Dr. Delahogue, 2d edition, Dublin, 1795, page 404. “The Church retains its power over all heretics, apostates and schismatics, though they may no longer belong to its body, as a general may have a right to inflict punishment on a deserter, though his name is no longer on the muster-roll of the army.” A similar declaration is found in the Catechism of the Council of Trent.

Lords,
Rep. 683.
p. 927.

The Rev.
W. Phelan.

One of the propositions contained in the Maynooth class-book is as follows: “The Church cannot err in dogmatical facts, that is, in its judgment concerning the doctrinal propositions which are extracted from any book.” This proposition is applied to a great many examples, of which the sixth is that of the council of Constance. Of this council, the class book states thus:—“In its last session, it drew up a form of interrogatory to be proposed to all who were suspected of favouring the errors of Wyckliffe or Huss. The form was as follows; Whether they believed that the condemnations of Wyckliffe, Huss, and Jerome of Prague, passed by the holy general council of Constance upon their persons, their books, and their doctrines, were legally and duly passed, and to be believed and firmly maintained as such by all Catholics. Thus the council ordered, that if a man wished to be called a Catholic, he should condemn the books and doctrines of heretics;

Comm.
April 29, 1825.
Report, p. 485.

The Rev.
W. Phelan.

aye, and their persons too, lest under the pretext of excusing persons so notoriously heretical, their errors should be defended." Such is the comment of the class-book, page 222.

Extract from the Maynooth Class-Book, page 511.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Lords,
April 29, 1825.
Report, p. 682.

A PROTESTANT when summoned to the judgment, shall appear with no other protection than his own private judgment, "*privatum suum spiritum*," by which he searched the Scriptures, and proved all the articles of his faith, although frequently warned that he was acting so to his own great peril, and that, in consequence, a severer account would be exacted from him. Who among the children of the reformed churches thinking upon this, and keeping in mind how easy it is for a man, from the frailty of his nature, to transgress, will not tremble at the sentence which is to be pronounced by a most severe judge.

But how different will be the lot of the Catholic, although (which far be it from him to believe) he may have fallen into error, by obeying the decrees of the Church concerning doctrine. If the Supreme Judge questioned him on this subject, could he not confidently reply, "Lord, if that be error which we have followed, thou thyself hast deceived us by thy so oft repeated precept to hear the Church *as thee*, unless we would have our portion with the heathens. Thou thyself hast deceived us by thy apostles, by the pastors and doctors whom thou hadst appointed in thy church for the perfecting of the saints, and the edifying of thy body, who commanded us so to do. Thou thyself hast deceived us by thy church, called by Paul the pillar and ground of truth;—for she has always exacted of her children an entire assent in heart and mind, menacing against rebels, *in thy name, an everlasting anathema*. Conscious, alas! of our ignorance

in divine things, and of the infirmity of human reason, how could we, in searching the Scriptures, rely upon ourselves, and despise so conspicuous authority. We say with confidence, O Lord! if that be error which we have followed—THOU THYSELF hast deceived us, and we are excused. [Then follows the application of this principle.] “ Withdrawing himself from all the prejudices of birth or education or circumstance, let the reader imagine that he is summoned to appear to-morrow before the tribunal of God, and give a reason for his faith, and let him determine then what answer prudence would direct him to adopt, the answer of the Protestant, or that of the Catholic.”

Tractatus de
Ecclesia Christi
ad usum The-
logiæ Candida-
torum.
Dublin 1795.

According to the character of the course of education adopted at Maynooth, given in the preceding passages ;—from the first (for the illustration of which, extracts may be found in another part of this work,) it appears, that the doctrine of a deposing power, although denied by the individual lecturer, is advanced as the doctrine avowed and enforced by popes and councils. In the second, the opinions of the lecturer, and his church coincide, and the principle of violated faith is justified, and the right of the church to punish for heresy asserted; and in the third, the absurdity and the danger of exercising private judgment is illustrated, in terms which prove, that the church of Rome announces herself at least as sitting in the place of God.

From what has been here observed, it will appear manifest to all, that the spirit in which the political education of the Romish clergy is conducted, is widely different from that in which their ecclesiastical principles are imparted, and there is very little reason to applaud the loyalty, or the prudence, which caused offers of foreign instruction to be declined, if the system of education adopted at home is so constructed, and so administered, as to form a character in the Roman Catholic priests in Ireland, the most inimical to national peace and improvement; to make them democrats in the state, and in the church intolerant bigots.

CHAPTER II.

Roman Catholic Clergy ; Conduct of—during the Disturbances.

D. O'CONNEL, ESQ.

Comm.
Mar. 4, 1825.
Report, p. 118.

DO you know, whether the clergy of the Roman Catholic church in the parts of Munster with which you are acquainted, have made any exertions in maintaining the peace of the country ?

Great, and constant ; the clergy of the Catholic church, in Kerry, are unremitting in their exertions, whenever occasion requires, to preserve the peace.

Are any particular instances present to your recollection, in which their exertions have been of service ?

p. 119.

In all cases where disturbances broke out, I knew the Catholic clergy to take the most zealous and active measures in their power to quell the disturbances.

Have those exertions ever been at personal risk to themselves, or attended with fatal consequences to themselves ?

At personal risk certainly ; I do not recollect any case of fatal consequence in Munster, except, that in the county of Limerick there was a Catholic priest shot by them, upon his interfering to prevent outrage or felony ; he was shot by Whiteboys or felons.

That was the case of Mr. Mulguiny ?

Yes ; it also happened on the day that the man was murdered between Tralee and Killarney, in January 1822 ; his name was Brereton ; at that period a Mr. O'Donnel, at Millstreet, was taken by the insurgents, who turned out on that occasion in open rebellion, and was actually on his knees to be shot, when the priest fortunately arrived, threw himself between Mr. O'Donnel

and the persons who were going to shoot him, and remained in that position with the utmost peril to himself; they repeatedly declared they would shoot him if he did not come from between them; he protected, at his own personal risk, Mr. O'Donnel, who would certainly have been murdered if the priest had not done that.

MAJOR GENERAL BOURKE.

You found that the priests had the power of keeping them (the peasantry) under, by their exhortations?

Lords,
Mar. 16, 1825.

I found that the priests had that power when it was backed by the influence and authority of the resident gentry and magistrates; but I also found, in a district near me, that where the priest had not the favour and assistance of the magistrates, he was not capable of maintaining the public peace. There was a very notable instance in a parish not far from me, where the priest in his exhortation to the people to maintain public tranquillity, was actually attacked at the altar, and but for the interference of a few of his friends, he probably would have been ill-treated. He made his escape under their protection. That gentleman has been heard to say, that if he had met with the same countenance and support that the magistracy and gentry gave to the Catholic clergy in other districts, the result would have been the same. After the Insurrection Act was taken off the baronies where I live, the magistrates thought it expedient to publish an address to the people of the district, thanking them for the good conduct they had observed; and in that paper attributing the tranquillity of the district to their having attended to the exhortation of their clergy.

You stated your residence to be in the eastern part of the liberties of Limerick, and that that was tranquil; were the other parts of the liberties equally tranquil?

No; they were not.

To what do you attribute the tranquillity of one, and the reverse of the other?

Lords,
Mar. 16, 1825.

I think we have more resident gentry in the part of the liberties where I live; I think also a great deal may be attributed to the conduct of the Catholic clergyman of the parish to which I have before referred. The county magistrates, at the time to which I allude, had no controul over the liberties. It is by a late act that there have been justices of the peace appointed by the lord chancellor, for the city; therefore the same cause which may have preserved peace in the county, could not operate in the liberties, with respect to the magistrates.

You have a great many non-residents, have you not?

We have.

As there was no direction of the magistracy, at the time referred to, in the liberties, how came it that one part of the liberties was peaceable and the other was the reverse?

I should find it difficult to answer that question.

Do you attribute it to the difference in the exertions of the magistrates in the one and the other?

No; for there were the same magistrates in the one and the other at that period.

You do not know any cause for that difference?

I cannot assign any sufficient cause for the disturbance of the other parts. I can for the tranquillity of the part where I reside.

J. S. ROCHFORD, ESQ.

Lords,
April 15, 1825
Report, p. 485

HAVE you had occasion, as a magistrate, to form any opinion with respect to the conduct of the Roman Catholic clergy?

I think it has latterly been very much exerted to keep the country quiet; in my neighbourhood particularly. I think about three years ago the Ribbon system was getting into the country, and I think through the exertions of Dr. Doyle and his parish priests, it was checked.

Do you think those publications (*the letters signed J. K. L.*) are of a character to be classed among Dr. Doyle's exertions to promote the tranquillity of the district?

I do not allude to them at all; I do not think they were read or known by the people of the country.

Was his letter to Mr. Robertson at all known by the people of the country?

I think not.

Do not the people collect, for the purpose of reading particular newspapers?

Whenever they can get a newspaper, they are very anxious for the news.

In general they read what are called the Catholic newspapers?

Yes.

Are you aware that that letter to Mr. Robertson was published in those papers?

Yes.

And that extracts from the other letters have been published in the Irish papers?

Yes.

Those, then, that were so published, were probably read?

Of course; they must have read them.

RIGHT REVEREND DR. DOYLE.

ARE they (the Roman Catholic bishops) frequently in the habit of delegating that power, (of inflicting the greater excommunication?)

Lords,
April 15, 1825.
Report, p. 506.

No; I cannot take upon myself to say that I have ever known in my life-time a case, where the bishop delegated that power, except in the time of the Whiteboys in Ireland, when one of my predecessors delegated to the dean of his chapter, power to excommunicate them; and in the year 1798, when Dr. Troy delegated to his priests, power to excommunicate or publish excom-

munications against persons concerned in the insurrection of that time ; but for individual crimes, I cannot at this moment charge my recollection with the time when a bishop has delegated that power : he always does exercise it in person, lest the priest should abuse it.

RIGHT REVEREND DR. MURRAY.

Comm.
May 17, 1825.
Report, p. 664.
p. 665.

YOU are aware, that there have been a variety of disturbances in Ireland, from the year 1784 to the present time, at different periods ; a pastoral letter was addressed in the year 1784, by the Roman Catholic bishop of Ossory to his flock, in which he states, “ We are much concerned to observe riot and disorder pervading many of our communion in several parts of this county and diocese ; they have presumed to administer oaths of combination, and proceeded to barbarous acts of outrage against the persons and property of several individuals ; in a word, they notoriously violate the most sacred laws, and equally despise the injunctions of their spiritual and temporal rulers ; we do hereby solemnly declare, in the name, and by the authority of our holy mother the church, that the association oaths usually taken by the misguided and unhappy wretches, called Whiteboys, are bonds of iniquity, and consequently unlawful, wicked and damnable ; they are not therefore binding in any manner whatsoever ;” do you know who was the Roman Catholic bishop of Ossory at the time ?

Dr. Troy.

Are you aware whether Dr. Troy received the thanks of Mr. Secretary Orde, acting on the part of the Irish government, for his exertions on that occasion ?

I have heard that he distinguished himself in opposing the disturbances of that time, and that he did receive the thanks of the government.

Do you believe that he received the thanks of the Secretary of State for Ireland ; in words to this effect : “ I have his Excellency’s commands to assure you of

the great satisfaction he feels, in the part you have taken for the preservation of peace, and preventing the unhappy consequences which must follow from those wretched and designing people persisting in such outrageous violation of the law?

Comm.
17 May 1825.
Report, p. 664.
p. 665.

Yes; I heard that he received the thanks of government in the terms stated.

In the year 1786 the disturbances which took place under the name of Whiteboys prevailed in the diocese of Ossory?

So I have heard; I was not then in Ireland.

Was Dr. Troy then bishop of Ossory?

He continued bishop of Ossory till the year 1787.

A circular letter was addressed by the bishop of Ossory to his clergy, in the following terms: "The Whiteboy oath is so far from being binding in conscience, that whoever obstinately adheres to the contrary opinion is unworthy of Catholic communion, because he acts in direct and scandalous opposition to the express command of God, the laws of the church, and the statutes of the realm;" that being the circular of the Roman Catholic bishop of Ossory, it must have been issued by Dr. Troy?

It must.

What situation in the Roman Catholic church did Dr. Troy fill in the year 1793, at the time when the outrages were committed by persons calling themselves Defenders?

He was then Roman Catholic archbishop in Dublin.

Then the following instructions from the Roman Catholic archbishop of Dublin proceeded from Dr. Troy: "Our religion strictly forbids riot of any kind; and prudence dictates the most zealous endeavour to prevent even the appearance of it. We have recently, in conjunction with some of our venerable brethren, expressed our conscientious abhorrence of the outrages committed in some counties of this kingdom by mali-

cious and deluded persons of different religious persuasions, styling themselves Defenders. We now repeat the same, and conjure you to promote the public peace by every means in your power, and to guard against the artifices of intriguing men, desirous to involve you in sedition and tumult, in order to render our loyalty suspected, and our conduct odious to the best of Kings and to both Houses of Parliament?"

He was then archbishop of Dublin.

Have there been pastoral instructions addressed by Roman Catholic bishops and archbishops subsequently to that period, with the same object in view expressed in this.

There certainly have.

Was not there a pastoral letter of Dr. Doyle's addressed to his diocese in the commencement of the late disturbances?

There was a letter, which produced a very powerful and happy effect on the minds of the people.

Did his diocese remain tranquil?

I think in general it did.

RIGHT REV. J. MAGAURIN, D. D.

Comm.
25 Mar. 1825.
Report, p. 269.

HAVE you any doubt, from the communications that you have received from the magistrates of the county of Longford, and more particularly from Lord Forbes, that the magistracy of the county of Longford attribute the tranquillity of the county, in a very considerable degree, to the cordial co-operation which exists between the justices of the peace and the Roman Catholic clergy?

I do believe it is a general feeling. I think I get more credit myself, perhaps, than I deserve, but it is a general feeling; much credit is due to Lord Forbes.

Is there, generally speaking, a cordial communication between the two sects in the county of Longford?

There is no open hostility, but there is a something

of a heat of mind, or an irritation, but there is nothing of a violent nature.

REV. JOHN KEILY.

DID the magistrates of the county of Cork express their opinion upon the conduct of any number of the Catholic clergy?

Comm.
15 April 1825.
Report, p. 402.

At a meeting of a large body of magistrates at Fermoy, the high sheriff for the time, General Barry, being in the chair, a resolution of thanks to the Roman Catholic clergy passed that meeting; and I said to the meeting, that it was better for the purposes of tranquillity that that resolution should not be published; for I submitted, it was better that the people should understand that we were acting from a desire to do what was right rather than from any human respect, and that we could be more effectual in our sphere, by not directing the public attention to us, and in consequence the resolution was not published; the meeting deferred to the view I took of it, and the thanks were as effectual, in respect to our feelings, as if they had been published.

Are you well acquainted with other parishes than your own?

I am.

With some of the disturbed parishes?

With some of the disturbed parishes.*

Do you think it possible that many disturbances could take place, or that combinations amongst the inhabitants of a parish could take place, without such combinations being known to the Catholic priest?

I certainly think that they could, and I have exerted myself to know from the Catholic priests, what combinations were within their parishes, and I conscientiously believe I got from them whatever information they had upon the subject, and they regretted the existence of disturbances very much.

Do you find that the Catholic priests, with whom you communicated, were not aware of the existence of illegal combinations in their parishes?

I am aware that the Catholic priests knew that combinations existed to a great degree, but that they were not acquainted with the nature and details of these; and that it was the object of the combination to keep them from the view of the Catholic priests; there is a distinction always to be made between what a Catholic priest can communicate, and what is incommunicable.

Did you, or did the other priests with whom you communicated, find that persons whom they suspected to be so engaged absented themselves from their religious duties?

It is a question that we could not entertain; no priest can say who goes to confession to him, or who does not.

Did they frequent the chapels?

Comm.
15 April 1825.
Report, p. 400.

Undoubtedly they did frequent the chapels. I was in Cork when the first Bible meeting took place, and I thought so little of it at the time, that I passed by one of the meetings, because I conceived that party business works a great deal from the fuel administered on the one side and the other; and I conceive, that the less attention a sensible man pays to it, the sooner it will be over.

Is that a general maxim among the priesthood?

Indeed I do not know; I found the priesthood very reluctantly entering upon it. There was one period when strict loyalty, and a wish for peace and tranquillity, and mutual good feeling, was the general principle of action among them.

REV. THOMAS COSTELLO.

Comm.
18 April 1825.
Report, p. 420.

Was not the district of country about you disturbed a good deal?

About me it was, but not my own parish.

Did you take any part with respect to assisting in suppressing those disturbances?

Comm.
18 April 1823.
Report, p. 420.

Yes; they commenced swearing in my parish; and on discovering those persons who had been proposing those oaths, (there were particularly three in number), I applied to them at their own houses, and with the assistance of general Bourke, who visited them with me, we induced them to acknowledge their fault, to give up the arms that they had, and intended, as they acknowledged, to use for bad purposes, to take the oath of allegiance, and to promise future good conduct. This entirely suppressed the swearing in that quarter of the parish.

Had you any other opportunity of assisting the suppressing the disturbances?

At one time those disturbances had reached the bounds of the parish in all directions, and I assembled the people in the chapel. The rector of the parish attended, now the bishop of Limerick, and general Bourke attended; and the people entered into resolutions to disclose, either to the magistracy or to me, any symptoms of this kind that should appear in the neighbourhood, or the names of any idle or suspicious individuals that might be passing through the country. Besides that, I had confidential persons in the other quarters of the parish, who would let me know immediately if those persons had proposed oaths, or caused any disturbance in their neighbourhood. From this I was prepared, whenever I found they attempted an attack on the parish, to exhort the following Sunday on this subject; and the people, attentive to my advice, and to that of my curate, resisted any attempts made to seduce them into disturbance.

RIGHT HON. D. BROWNE.

Lords,
26 April 1825.
Report, p. 604.

Do you know of any priests, by preachments or otherwise, exhorting the people to insurrection and tumult or disloyalty?

I never did; and I know, on the contrary, that at all other times, I mean the former disturbances, and Whiteboys and Threshers, &c. I know that they did most seriously oppose them.

Of late?

p. 605.

Of late I can say nothing. I am not at all in the councils of those men; and they have been so often disappointed about the Catholic question, and particularly the refusal by your lordships of granting to the English Catholics the putting them on a footing with them, I declare to God, they do not seem the same people they did when I first knew them. I will not venture to give any evidence about the present race of priests.

Comm.
23 Feb. 1825.
p. 29.

Have any instances come to your knowledge, in which the Catholic clergy have taken any part in promoting discontent, and exciting the people to resist the Government?

p. 30.

A great deal. I do believe there is not a parish in the county in which I live, that the clergy are not inducing, as far as ever they can, the people to maintain the present quiet, with a view to future mischief. There was a priest lived near my house, of the name of Ward; I heard, that he preached from his altar in the presence of an officer, who was a Roman Catholic, and I sent it to government, and the sermon was this; he told them to be quiet, and not to go about knocking their heads against the wall, and doing no good in the world, and doing nothing but mischief; that nothing could be the consequence of that, but the discomfiture that they always had; that if they were quiet, and would follow their leaders and their guides, they would

lead them to liberty; and we will lead you, said he, to the recovery of those lands that were taken from you formerly by soldiers and marauders.

Have any proceedings been taken by the King's government in consequence of that information so sent to them?

Lords,
26 April 1825.
p. 605.

No; but I very often spoke to the government about it, and advised them to proceed.

But none in point of fact have been taken?

No; the priest went, I understand, and took his oath since, that he had not preached such a sermon. I know not whether he did or not; but I know that Mr. Barrett, quarter-master of the South Mayo militia, swore he had, and that I bound him over to prosecute, and sent the information to the King's government.

Have you given this priest any opportunity of vindicating his character from the accusation of this quarter-master?

So far as never concealing that I had taken it, and offering to give him a copy of it, or to any one who chose it, and there it is now upon my responsibility as a magistrate, which he can take whenever he pleases. He can indict the man for perjury, or bring an action for false accusation.

REV. T. W. DIXON.

Was there ever any signification to the priests, that the bishops disapproved of their resistance to civil disturbance?

Lords,
May 13, 1825.
Report, p. 807.

That presses upon a point which I can identify with myself. I recollect that disturbance began to make its way into the part of the country where I had some jurisdiction then, into my parish, and I suggested to the Roman Catholic bishop that it would be very expedient, and I thought the duty of every priest to identify himself as much as possible with the preservation of the peace of the country, and to contribute

p. 808.

Lords,
May 13, 1825.

the influence which from his station he had over the people to the assistance of the civil magistrate. The reply I got was, "What have you to do with the civil magistrate? let them look after the peace of the country. You have your duty."

That reply, was from your bishop?

Yes.

At what period was that?

I think it was early in the year 1817, about a year prior to my leaving the communion of the church of Rome.

p. 807.

Can you state a single instance within your own knowledge, of that oath taken by the priests to the Pope having interfered practically with the oath taken to the King?

I am driven in answer to your lordships question to what I should rather avoid; but I consider it my duty to state, that I have known a priest to have interfered with his people in organizing them in the Ribbon system. I have ascertained that from the people.

REV. M. O'SULLIVAN.

Comm.
April 26, 1825.
Report, p. 458.

DID the priests generally exert themselves to keep down the disturbances in your part of the country?—

Indeed, I think not.

Do you consider that they have had power to keep down those disturbances, if they had exerted themselves?—No, I do not; the impression on my mind with respect to the priests was, that at the time when the disturbances commenced, the influence of the Roman Catholic clergy was very much on the decline; and, although they could increase it, by seeming to sympathise with the people, and by accommodating themselves to the discontented spirit in their minds, I am equally confident that they had no such influence as would have enabled them to suppress the disturbances.

Do you think the disturbances were increased in any

degree by the appearance of sympathy evinced by the priests for person that were concerned in them?—I cannot undertake to say that they were increased; I state the fact, that the priests did at the time express sympathy for the people's sufferings; it is for the committee to judge whether, under such circumstances, the disturbances must not have been increased.

Will you explain what you mean by their sympathising with the people?—The people felt themselves oppressed by the severe exactions under which they considered themselves to be labouring, and the priests frequently spoke as if they felt in the same manner; as if they felt that the people were oppressed.

Comm.
April 26, 1825.
Report, p. 469.

Do you mean by sympathising with the people, that the priest went the extent of endeavouring to confirm the people in their discontent, with the view of regaining their influence?—No, I do not mean to state that; I mean to state simply, that the priests spoke of the distresses under which the people were labouring, and the oppressions to which they were obliged to submit, and spoke of them as if they felt in the same manner as the people felt.

You stated, that the priests accommodated themselves to the feelings of the people who were creating those disturbances; what did you mean by that?

p. 465.

I can speak, in a great measure, from no more than very well-authenticated reports, that priests, from the altar, inveighed against the severity of landlords in the collection of their rents, and of tithe-gatherers in the collection of tithes. I had heard it reported of one particular Roman Catholic priest, that he had been, Sunday after Sunday, speaking in this manner. This was reported to me on such authority as I could scarcely doubt; but afterwards an occurrence took place which made it still more probable, and this was a letter which I saw from the priest to the Protestant minister of the parish, commanding him to

Comm.
April 26, 1825.

dismiss his tithe proctor, and to lower the rates of tithes; and concluding with a declaration, "that the evils of the country had arisen from his predecessor's conduct; and, in consequence of the severe exactions of tithe in that parish, they had to deplore the loss of a number of their fine young men, who were now exiles and slaves in a foreign land;" these were men who had been tried for burning a dispensary, had pleaded guilty, and had their punishment commuted for transportation.

When you say, that the priest commanded the clergyman of the parish, what do you mean by the word command?

A very imperative order* to him; a letter addressed in a very commanding tone, directing him to lower the rate of tithes, and to dismiss his proctor.

Upon what claim was that command founded?

No other claim could be supposed, than that the priest could wield the people against him.

Was there any threat in the letter, that he would wield the people?

No threat; but I mentioned the letter, because I thought it made more probable the evidence which I before received.

Was it more than an exhortation and recommendation?

It certainly was not given in a friendly manner; it was given in a very imperious manner, as a master would command his servant. I should also mention this: he accused the predecessor of this clergyman of having been the cause of all the disturbances in the country, and it was only a fortnight before the date of his letter that I had met him at dinner at the house of the gentleman whom he accused, where he appeared to be all courtesy and kindness. The clergyman whom he accused told me (and he was a man of strict veracity), that his mode of proceeding with regard to tithe was this: he sent for the priest of the parish, showed

him his tithe valuation; directed him to state whether there was any man who could not afford to pay, and the priest had, at their last settlement, stated to him, there is not a man named in your books who cannot better afford to pay your tithe than you to lose it. I relate that on the authority of the clergyman.

The committee having been informed of various instances in which priests have successfully attempted to keep their parishes quiet, should you be disposed to believe the possibility of that, from what you have heard?

Comm.
April 26, 1825.
p. 470.

From what I have heard, I should be disposed very much to doubt the possibility; I myself heard of parishes having been kept quiet by the exertions of the priests, and, upon inquiry into the cases, I never found reason to believe the truth of the assertion; I found that there were other causes contributing to the quiet of the parish beside those exertions. I should also observe, that when I say, I do not think that the Roman Catholic clergy were instrumental in suppressing the disturbances, I allude to the period at which the disturbances were most violent. I think that afterwards, when the government adopted decisive measures, when they filled the country with troops, and established means of protection to the people, then the disturbers began to feel their power less than they at first thought it; and then I think the Roman Catholic clergy, from the altar, spoke of peace and good will, when the Government had succeeded in suppressing the disturbances.

You state, that there is a distinction between the opinions entertained by the Roman Catholic laity, and those entertained by the Roman Catholic clergy?

p. 461.

Oh! yes; the respectable class of the Roman Catholic laity are, generally speaking, quite untinted with that political feeling which their religion might infuse into them, and the very lowest classes would be

Comm.
April 26, 1826.
Report, p 461

led by the priest of the parish, perhaps with as much effect as they would be led by the Pope; but at present there is between the higher classes, and those which are very low, a class of persons becoming influential in the Roman Catholic body, who did not at all apply themselves to political concerns before; and this middle class is that to which I look with most apprehension for what is to be the future fate of Ireland. They are persons who are influenced by radical principles, and by that which is most rancorous in the Roman Catholic system. This is a class which had very little authority in former times; but I think, from the formation of committees latterly, (the committees branching out from the Roman Catholic association, and held in little country towns and country villages,) those men have acquired an importance in their own eyes, which they had not before, and the gentry, I think, in some instances, contributed to increase it, finding them serviceable for their party purposes; and now that class of men, the class below the gentry of the Roman Catholics, and above the mere plebeians, is the class which, I think, will be most dangerous.

Do you conceive, that in the event of the priests taking any particular line upon religious or political subjects, that the difference of opinion between them and the laity is so great, as to induce a separation on the part of the priests, and that they would ultimately lead the laity with them?

I think they would lead two of the classes I mentioned, and that they would not lead the Roman Catholic gentry; but I am confident that they would lead the middle class, and the lower class; that is to say, provided the Roman Catholic clergy did not take a side which would be favourable to the established Government.

Do you think, that if the higher order of Roman

Catholic gentry were to oppose the priests, they would have it in their power to overcome the influence of the priests over the lower orders?

Not now; the Roman Catholic gentry have not that power now; I think they had such a power at one period, but I do not think they have it now; the people have felt their strength too much.

The power of the Roman Catholic gentry is greatly diminished.

Lords,
May 27, 1825.
Report, p. 930.

Why do you think so?

From my personal observation, I think the causes why it is diminished are these: that the poor have not found the Roman Catholic gentry, perhaps I might say any gentry, very well disposed towards procuring comforts for them; and they find that the priests, I will not say joined themselves in the plans, but at least sympathised with the passions of the people. By these means the priests and the poor people have made, what I may call, a party, that defies the power of the gentry. I think, at one time, the gentry of the Roman Catholic persuasion had the power of doing a great deal of good in Ireland; but at that time they looked upon the priests with a feeling which was almost disdain. The priests, in consequence, finding themselves exiled from all connexion with the gentry, saw that they must make a party with the people, or have no party whatever; and this union of the priests with the lower orders, has formed and given power to a party in Ireland, which did not exist fifteen years ago.

You speak that from your own knowledge?

From my own observations in the south of Ireland.

General Observations.

From the evidence respecting the conduct of the Roman Catholic clergy, during the late disturbances in Ireland, and for some time previous, it does not appear that they took, speaking generally, any part in organizing an insurrection, nor can it be inferred, that they opposed any general and effectual check

to the enterprizes of the disaffected. This line of conduct appears very dissimilar to that which it said was pursued by the same body upon former occasions. We are informed by Doctor Doyle, that, in the time of the Whiteboy disturbances, and in the year 1798, Roman Catholic prelates delegated to inferior clergy the extraordinary power of pronouncing "the greater excommunication" against the members of lawless associations, and that no such power was delegated upon the occasion of the late disorders; not even when it appeared on the most conclusive evidence, that an extensive conspiracy was actually organized for the massacre of the Protestants, and the subversion of the government. It is not either found in evidence, that the persons engaged in that conspiracy, or those who perpetrated the atrocities by which the south of Ireland was afflicted, were placed, by the bishops themselves, under the sentence of the "greater excommunication." It cannot be imagined that this deficiency in evidence could be an accidental omission, as, even though it were possible that so important a testimony might otherwise be forgotten, a question proposed to Mr. O'Driscoll, in the committee of the House of Lords, which sat in 1824, would show the necessity of producing it, if it could be procured.

J. O. DRISCOLL, ESQ.

Lords,
Report, p. 418.

HAVE they ever excommunicated any persons guilty of disturbances?—No, I do not recollect whether there has been an instance of that kind: I do not say there has not been instances, but I never heard of one.

This question and reply would have been sufficient to prove to the Roman Catholic clergy and their friends, the importance of adducing some instances of excommunication for political offences, if such were to be found. But it was not thought necessary to inquire after evidence of such conduct, because Doctor Doyle had (in a passage already quoted) warned the British Government, and instructed the Irish people, that no such testimony was to be found, or to be expected. "If a rebellion were raging from Carrickfergus to Cape Clear, no sentence of excommunication would ever be fulminated by a Catholic prelate." Again, therefore, Doctor Doyle's avowed publication may be received as subsidiary to his evidence before the parliamentary committees, and then the information communicated by him respecting the political conduct of the Roman Catholic clergy will be this; that in the time of the Whiteboy disturbances the offenders were excommunicated, that the insurgents in the rebellion of 1798 were excommunicated, and that those who were maturing the more abominable ribbon conspiracy were spared. It is here deserving of notice, that one species of censure was visited on the persons concerned in

the disorders lately suppressed, at least, so we are instructed by the pastoral letter of Doctor Doyle; but it is very remarkable, that the censure inflicted was that precisely by which those against whom it was pronounced could not be affected. To prove this, two passages shall be quoted here; one from the pastoral address delivered as evidence by Doctor Murray; one from the printed evidence of Doctor Doyle. "Have not the clergy, priests and bishops, with one voice, condemned you? Has one of you ever been permitted to partake of a sacrament in your church, who has not first renounced these associations." (Pastoral Letter.) "The persons who entered into conspiracies of that kind uniformly absented themselves from confession."

Comm.
Report, p. 671.
Rev. Dr.
Murray.

From this it appears, that those who were engaged in a conspiracy against the laws had voluntarily withdrawn themselves from the only sacrament, in the administration of which the priests could be officially assured, that they were excluded from a religious rite. It does not therefore readily appear, to what purpose Doctor Doyle demands of men who had withdrawn themselves from the rites of the church, whether they had been permitted to participate in a sacrament, from which, he informs us, they had of themselves uniformly abstained. It appears by the evidence of the Rev. Mr. Kelly, that they attended in the chapels. It has not been given in evidence, that any clergyman refused to administer the sacrament of marriage, until he had been previously satisfied that there was no engagement to an illegal association, which would prove an impediment. It does not appear, that a man by incurring the guilt of insurrection, forfeited his claim to the consolations of religion, if his life were sacrificed to public justice. What was it, then, he suffered from the censure of his church, by engaging in a most wicked and pitiable conspiracy? Privation of two sacraments, penance, and the eucharist; and from these he had of himself determined to abstain. The energies of the church of Rome in Ireland appear to have been put forth more zealously on other occasions. In the enforcement of the "Catholic Rent" the zeal of the priesthood appears more conspicuous, and their measures more decisive and effectual. In a letter from Mr. Blacker, the following passage may be found:

Comm.
Report, p. 197.
Right Rev.
Dr. Doyle.

"At Skibbereen quarter sessions the people were all examined as to their having subscribed or not, and they generally answered that they had, for they were ordered from the altar to do so, and not permitted afterwards to enter the chapel until they had subscribed, and those who neglected to do so were obliged to say their prayers at the outside of the chapel."

Lords,
18 Feb. 1825.
Papers presented by Command.

No 2.

It seems an invidious distinction in favour of Ribbonmen, that they should be admitted within the chapel, from which persons unwilling or unable to pay "the Rent," were excluded; and if the Ribbonmen were indulged in this privilege,

Lords,
p. 505.

from a hope that they might be reclaimed, it is strange that they were not addressed by their pastors in something of a more solemn tone, when the censures already inflicted were found to have fallen so lightly. Doctor Doyle states, that he cannot recollect an instance in which a bishop delegated to his clergy the power to pronounce the greater excommunication for any individual offence; but there is on record a very remarkable instance of such a delegation. It is that which is given in the pastoral letter of Doctor Hussey, Roman Catholic bishop of Waterford, addressed to his clergy in 1797. He desires them to insist on having the children of Roman Catholics withdrawn from schools which they think dangerous to their religious principles, commanding them, if the parents refuse to obey, to deny them the sacraments, and if they persevere in their refusal, to *denounce* them; thus, according to Doctor Doyle, putting forth the whole terrors of the church, and causing to the denounced person, "he has no doubt," serious injury. And this awful and extraordinary power, which a bishop delegated to his clergy in 1797, for a purpose which might be most injurious to the state, the bishops, in 1821, would neither delegate nor exercise for the purpose of breaking up a very alarming confederacy. "Remonstrate" Doctor Hussey directs "with any parent, who will be so criminal as to expose his offspring to those places of education, where his religious faith or morals are likely to be perverted. If he will not attend to your remonstrances, refuse him the participation of Christ's body: if he still continue obstinate, *denounce* him to the church, in order that, according to God's commandment, he be considered as a heathen and a publican."—(Pastoral Address, 1797.)

When this passage is compared with the menace contained in Doctor Doyle's address to Mr. Robertson, it will be found to illustrate in a very striking manner the principles which have been already adverted to, as governing the system according to which the education of Roman Catholic priests is conducted. If a parent presume to exercise his right of judgment in selecting a school for his child, and that the choice he makes is not approved by his priest, he shall be visited with the heaviest sentence which the church of Rome, in this country, can inflict; and if he enter into an association where he conspires against the life of the king, and if he spread over the whole face of his country the abominations and the miseries of war; if, by his means, rebellion rage from Carrickfergus to Cape Clear, no prelate will fulminate an excommunication against him. So much for the jealousy with which the church of Rome guards her own usurpations, and for the composure and disinterestedness in which she contemplates the probabilities of war between the sovereign and his subjects.

Much has been said of the pastoral letter which Doctor Doyle addressed to his clergy, directing them to warn their flocks

against the temptations to sedition by which they were continually assailed. The Editor does not feel himself called upon to pronounce a judgment on the spirit in which the address was conceived, but he cannot have the slightest hesitation in affirming, that that letter, considered in connection with the circumstances under which it appeared, and the circumstances which followed it, did not effect, and was not calculated to effect any real service to the country. In order to support such an opinion, it is expedient briefly to inquire what it is which an enemy to the peace and improvement of Ireland would desire, and what he would very anxiously deprecate. He would desire that a spirit of disaffection and insubordination should strengthen itself in his countrymen's hearts, and he would deprecate their rising in open rebellion, so long as the Government was strong enough to defeat them; he would be solicitous that every topic, calculated to keep discontent alive, should be always present to their minds; he would be desirous, if he dared not boldly assail the majesty of the state, that acts should be committed, and feelings should be manifested, by which the minds of those in authority might be made at least to feel disquiet; but nothing would be farther from his wishes, because nothing would be more likely to confound his plans, than that the unhappy creatures whom his arts had misled, should present themselves in a force and a form in which their abortive insurrection could be easily crushed. And what would his advice be, if it were demanded, and given? It would be, "cherish the remembrance of your wrongs, but do not rise in open war to avenge them; retain your purposes, retain your arms, but be not hurried into a premature and hopeless rebellion."

When these considerations are kept in mind, it is very possible, that an advice to withdraw from an illegal association may not afford satisfactory assurance, that the advice is calculated to be a public benefit. It is not with an intent to disparage any efforts to tranquillize the country, or even preserve the lives of those who would disturb it, that these remarks are offered; but as, from a view of the evidence offered before the parliamentary committees, and the acknowledged and deliberate publications of some of the witnesses, a line of conduct is here attributed to the Roman Catholic clergy, from which certain persons undertake to say this pastoral address is remote, it becomes the duty of the Editor to state his opinion, that such an address may, without the slightest impropriety, be considered a result from that system, according to which the conduct of the Romish clergy in Ireland appears to be regulated.

The object of the letter appears to be, to persuade the people that they should cease to attend the meetings of illegal societies, and that they should discontinue the system of outrage which had been in operation. They are instructed, that the Govern-

ment is powerful enough to suppress their weak efforts against it; that the consequence of continued manifestations of lawlessness will be, that the Orange societies shall revive, and that there may be a repetition of the horrors to which this country had been subjected in former days; that, independently of their inability to withstand the power of Government at the present time, the circumstances attending His Majesty's gracious visit to Ireland, serve to render their conspiracy particularly odious; and that the disturbers, knowing their own weakness, are not to rely upon prophecies sillily explained by Pastorini, for a promise of succour from heaven. The letter also declares, that in general the disturbers were not those whom poverty had rendered desperate, and that those who were in want could not adopt a means better calculated to defeat all efforts for their relief, than the disturbances in which they were compelled to engage. Such are the instructions contained in the pastoral address, and even if, in the abstract, their propriety were unquestionable, there is, nevertheless, reason to regret, that some additional suggestions do not appear, the omission of which, it is not too much to say, defeats the good which might otherwise be expected to result from the advice given. The disturbers are not directed to surrender their arms; they are not directed to give information of the extent and designs of the conspiracy; they are not instructed, that they have to fear the heavy censures of their clergy; they are not taught, that their church, having long sought their amendment by gentler means, now puts forth the strength which had been withheld, and separates from the body of the faithful those whose principles and conduct are bringing obloquy upon it. It was desirable that some declarations of this nature should have been made, because, if they had, obedience to the orders of the bishop would have led to results permanently useful to the country. If the arms were given up, there would be some assurance of tranquillity; and if the conspirators against the peace of their country knew that the church to which they belonged commanded, that the civil magistrate should be informed of all evil designs, they would, in proportion to their reverence for the church, lose their confidence in each other; and their repugnance to the being accounted informers would be overborne, by the distrust in which each man regarded his associates, and by the respect which was universally felt for the directions under which they were to act. But these directions were not given, nor did the church of Rome pronounce that it would inflict its heaviest punishments on obstinate offenders, and accordingly such offenders may have regarded the advice contained in the pastoral address as intended for their own exclusive benefit, and may have imagined that they obeyed the letter and the spirit of the injunctions, if they postponed the execution of designs which they still entertained, to a season

when they might with greater probability of success endeavour to effect them.

The time, too, at which the address appeared, was calculated to direct the minds of an ingenious and somewhat sophistical peasantry to form such conclusions. About a fortnight before it appeared, the existence of the conspiracy was made known, on the trial of certain persons who were convicted of administering illegal oaths. At this trial it was declared, on evidence, that a design was entertained among a large body of persons, styling themselves Ribbonmen, to massacre the Protestants, and overthrow the Government. Evidence of the same nature as that given before the parliamentary committees by Majors Warburton and Wilcocks, of a communication between the Radicals in England and the Irish disturbers, was also sent to the jury. The intention, it was sworn, was, that if the queen were convicted, notices were to be given as if an insurrection were on the point of breaking out in Ireland, in order that the military might be withdrawn from England, so as to allow opportunity there for the commencement of disturbances. Disclosures of this nature having been made on the trial, the peasantry of Ireland, whose attachment to simple truth is very weak, might attribute the publication of the "Pastoral Address" to a necessity laid on the Roman Catholic bishops, of appeasing suspicions which the Government might have admitted, and in this spirit, they would attach great importance to the lenient terms in which the document was couched, and would discover with legal acuteness, and consider as explanatory of Doctor Doyle's motives, the fact, that the letter which commanded submission to particular orders, declared nevertheless no penalty to be inflicted in case of disobedience.

It might not, perhaps, be considered candid to put forward suppositions like these, if a judgment were to be formed from the Pastoral Address alone; but if it appear, that while one mode was adopted to caution the peasantry against a rebellion which must end in the ruin of their plans, no means were left untried to keep alive in them a disposition in which they would always feel discontented with the laws; and if the disturbers find Doctor Doyle acting this double part, it is then surely not uncharitable to suppose, that they will judge of the meaning of one part of the conduct, by the other which they can more easily comprehend, and will conclude, that rebellion is at present unwise, but that whenever it can be engaged in with a hope of success, it is justifiable. That such was the conduct of Doctor Doyle, his own words shall be the proof:—
"We will never cease, my lord, whilst our tongues can move, or our pens can write, to keep alive in the whole empire, as well as in our own people, a sense of the wrongs we suffer, and to exhibit to an indignant world all the privations we endure.

Our fetters are too galling, our chains are too closely rivetted, our keepers are too unfeeling, for us to remain silent, or permit them to enjoy repose.* This is the declaration of his intentions and conduct, which Doctor Doyle makes, addressing himself to the Lord (Lieutenant of Ireland. He will keep alive in his own people a sense of the wrongs they suffer,* and, perhaps fabricate more; at least, his notions respecting these wrongs are peculiar, as may be collected from a passage contained in a letter to "His Grace the Protestant Archbishop of Dublin," and bearing date October 29th, 1822, preceding by three weeks the Pastoral Address:†—"Yet Judge Blackstone teacheth, and all allow, that the legislature, in enacting laws of tribute, neither binds, nor intends to bind, the conscience of the subject; and hence, no man hesitates to withhold his taxes until called upon for payment; and there are many in England, and here, who would not hesitate to evade or infringe the laws of tribute, could they do so with impunity; but with how much a better plea can the ragged peasant evade or infringe that law which takes from him the produce of his field, the fruits of his industry, and gives him nothing in return." Whether this strange opinion of Judge Blackstone has been made known by any written document, or has been learned from oral tradition only, is not stated. If such an opinion be imputed to him, because he marks a distinction between positive offences (which he takes care to describe under the name of frauds) and natural crimes, it is a very unjustifiable calumny; and if there occur in any part of his writings a distinct recognition of the doctrine imputed to him, one might have expected, that, if quoted by a Christian bishop, it would have been quoted for purposes of reprobation. But whatever the opinion of Judge Blackstone may have been, the decision of Doctor Doyle is unequivocal, that a peasant in evading or infringing certain laws is not committing a moral offence; and as, from the declaration made to the Lord Lieutenant, we are justified in believing, that principles like these were enforced in the pulpit and confessional, as well as avowed to the Government through the public press, it cannot be considered uncharitable to conclude, that the peasantry regarded the "Pastoral Address" rather as a caution against rousing the whole force of the law, than as a dissuasive from infringing it.

At the time, too, when the address appeared, a friar, who had been "interdicted" for preaching a seditious sermon,‡ was delivering a course of lectures of a character highly objection-

* Vindication, &c. by J. K. L. p. 45.

† Dublin Even. Post, Nov. 7. 1822.

‡ Dublin Even. Post, Dec. 12, 1822.

able. Upon these lectures, the Editor of the *Dublin Evening Post*, (a paper which, it need not be remarked, has always been considered as the organ of the Roman Catholic body), is constrained to pronounce a very severe judgment, calling upon those who have authority, to interfere, declaring it to be "his solemn opinion," that dreadful consequences will ensue "if such pestilent and abominable incentives to blood be not met by those who have the power to arrest the fatality," and declaring himself sorry to find, that by means of these discourses, "the fiend of theological rancour had been roused," and that the preacher "had succeeded in his endeavours" to an extent which he could "not have supposed, but which high Catholic authority assures him is unprecedented."* The prelates, however, did not interfere, and Father Hayes preached his sermons, and printed them, and had them extensively circulated through the country; and when discourses of such a nature were addressed to people under the name of religion, and sanctioned by the permission of Roman Catholic bishops, and doctrines respecting political justice such as Doctor Doyle entertains, zealously, as he declares, exhibited and enforced, it is certainly not being very incredulous, to suppose that the Pastoral Address could have had but little influence in counteracting the tendency to disorder. It appears somewhat strange, that Doctor Doyle was not aware that this must have been the case; inasmuch as in his letter to Mr. Robertson, he gives reason to infer, that no measures of restraint to which his clergy resorted could be profitable, while the power of excommunication remained unexercised. "The minister of England" he says "cannot look to the exertions of the Catholic priesthood." This he explains, by stating, that in case of a rebellion no excommunication would be fulminated against the insurgents; and hence, it is reasonable to infer, that Doctor Doyle was well assured that all exertions of his clergy were profitless, while he withheld the power to excommunicate; and accordingly, that his Pastoral Address must be classed among exertions which the minister of England would find unavailing. The conduct, also, adopted by Roman Catholic prelates, where they are apprehensive about the authority of their Church, or, as it is called, "the faith," is instructive as to the measures which ought to be employed, where success was strongly desired. An instance of this conduct has already been quoted from Doctor Hussey's Pastoral Address:—a passage from Doctor Doyle's "Vindication," to the same effect, shall be here subjoined:—"The integrity of the faith is the great deposit committed to the care of the Catholic Church; when this is endan-

* *Dublin Even. Post*, Dec. 5, 7, 12, 1822.

gered, every thing must be risked for its preservation ; for this, excommunications are fulminated, interdicts are imposed, the administration of the sacraments is suspended, councils are assembled, pastors are obliged to abandon for a time their flocks, the whole Christian world is put into a kind of commotion, the rights of all are, as it were, suspended, the Scriptures themselves are discussed, to know whether they be authentic or spurious, and all this, for the purpose of preserving the faith ; all things may be moved in our system, the Church only cannot be moved.* When this passage is well regarded, and compared with the declaration made to Mr. Robertson, and with the advice given to the Ribbonmen, and when it has thus become apparent, that the prelates of the Church of Rome do not regard a conspiracy to massacre the Protestant population of Ireland, as an evil by which "the integrity of the faith" may be endangered, it will not be very difficult to form an opinion of the degree of importance which ought to be attached to Doctor Doyle's Pastoral Address.

There remains one testimony to the conduct of the Roman Catholic clergy, which, although not submitted as evidence before either Parliamentary Committee, it would be unjust to withhold from the reader. It is that which has been given by the Dublin Evening Post, a paper uniformly devoted to the interests of the Roman Catholic cause, and in a special manner the supporter of that principle of domestic nomination to bishoprics, which would, it was thought, materially improve the condition and prospects of the second order of Romish clergy in Ireland. It may be reasonably inferred, that such a paper would not wantonly advance a charge against the clergy of its patrons, and against the clergy whose advocate it professedly and really was ; and when it is found imputing the disturbances in the south of Ireland to the conduct of the Roman Catholic priesthood, such an imputation is not to be regarded in any other light than as an acknowledgment forced from their friend, by an evidence which could not be resisted, or by the constraint of public opinion. It confirms very much this impression, to find, that the journal does not deliver such sentiments in a single paper only, nor without due deliberation ; but after having sought and received information upon the subject, after having called upon the clergy to do their duty, after having, it would appear, received private communications from them, and after having found its calls unattended to, and the explanations afforded by the Romish priesthood unsatisfactory. The Editor subjoins extracts in justification of these remarks.

Dublin Evening Post, September 29, 1821.

"What are the clergy of both persuasions about in this district? If the civil power cannot act with effect, why are the clergy silent? What are the clergy for, &c. &c. They are placed in circumstances which require all their efforts; and if they are supine, upon their heads be, at least, part of the consequences."

Dublin Evening Post, October 18, 1821.

"We cannot persuade ourselves, that if these did their duty, and particularly the last (the Roman Catholic clergy), the scenes which have cast upon the county of Limerick such deep and almost indelible disgrace, would have occurred. We know what will be said by the Catholic clergy, and we have some letters from them on the subject; but we must hear more before we can be beaten out of our opinion" — —

Out of this opinion they do not appear to have been beaten, although they afterwards state, that the misconduct of the priests might have been attributable to terror, and that their demeanour became more consistent with their duties, "when the mixture of temper and firmness in the conduct of the Government had been attended with good effect." According, therefore, to the report given by the *Dublin Evening Post*, the Roman Catholic clergy were until October in the year 1821, chargeable with abetting, at least by their supineness, the disturbers of the country, and after that (when the strength of the Government was put forth) their conduct improved. The reader will perhaps remember evidence with which this testimony of the Roman Catholic paper exactly coincides: "When I say that I do not think that the Roman Catholic clergy were instrumental in suppressing the disturbances, I allude to the period at which the disturbances were most violent. I think that afterwards, when the Government adopted decisive measures, when they filled the country with troops, and established means of protection to the people, then the disturbers began to feel their power less than they at first thought it, and then, I think, the Roman Catholic clergy, from the altar, spoke of peace and good will, when the Government had succeeded in suppressing the disturbances."

Com. Report,
p. 470. Rev.
M. O'Sullivan.

CHAPTER III.

*Character of the Church of Rome in Ireland.
 Right of private Judgment denied. Uncertainty
 of Doctrine. No established Formulary.*

THE character of the Church of Rome, as exhibited in the evidence of its Irish bishops, is of a very extraordinary nature. The boast of that church is its unity in doctrine; and the recompence it bestows upon its obedient children, for their surrender of the right to exercise and be guided by their own understandings, has always been considered to be, the comfort arising from being steadied by a secure and well defined belief, and from being no more tossed about by every wind of doctrine. When a Roman Catholic sincerely attached to his church was questioned on the privileges he enjoyed, it was usual to hear him say, that he was a member of a grand and universal community, whose doctrine was always and in all places the same; and it appeared to him by no means an unworthy sacrifice, that he should yield up his private judgment to the guidance of a church which maintained no doctrine but that which had been held in every part of the civilized world, in every age, and by all classes of men. *Quod ubique, quod semper, quod ab omnibus.* This was the boast of the sincere Irish Roman Catholics. The slavery of their reason they imagined to be dignified by the nature of the fetters which were imposed upon it. If, for a moment, reason appeared to rebel, or if a thought of personal responsibility caused even the conscience to experience an uneasy sensation, the mind reverted to the early days of the church, and the remembrance of martyrs and sages dying for the same hope, and preaching the same doctrine as even in these evil days is promulgated, awoke an enthusiasm in the soul which expelled all hateful suspicions; and thus, men, in the business of life and in pursuits of science, decisive and discriminating, became accustomed to look at their religion through the medium of a romance, which in their ordinary avocations they would condemn themselves for not dispelling.

The evidence of the Roman Catholic bishops is likely, at least is calculated, to break this veil of awe and mystery which had been drawn around the religion of the majority of the Irish people. It teaches fully, if not clearly, what the

professors of that religion must resign, and what they receive in exchange. It teaches, that the right of private judgment is denied, and that even the conscience of a man and the law of God, are to be regarded as more uncertain guides of conduct than the directions of a Roman Catholic ecclesiastic; and it teaches, that the church which demands such a sacrifice, offers to him who makes it, no sufficient compensation; does not prepare for his use an exact formulary of doctrine, does not satisfy him that he is in communion with the members of the great Catholic church spread abroad throughout the world, does not instruct him in the wisdom of ages, and make him familiar with the doctrines and decisions of the assembled councils, the glory and defence of Christian faith;—but expects him to yield up his own reason and his own conscience, not that he may receive them back enlightened and improved by the wisdom and holiness of past ages, but that he may obey the dictates of some priest or bishop, some man like himself, as though he were submitting to a god. All this the evidence of the Roman Catholic bishops well establishes; it is well calculated to disenchant visionary minds, and to force upon them the humbling truth, that that spirit by which they were governed, into whose power conscience and reason were resigned, was not of the noble nature they thought it. The object of the present chapter is to collect those portions of the evidence which establish this important truth. The reader will bear in mind, that these remarks apply to the evidence taken before the Parliamentary Committees alone; he will find parts of that evidence confronted with testimonies of an opposite nature; but, it is hoped, he will see fully established this truth, that, judging of the Roman Catholic church in Ireland by the evidence which its bishops offered before the two Houses of Parliament, there is no reason to believe that it agrees in doctrine with the see of Rome, and there is no mode of knowing in what doctrines its members are instructed. There are three things to be established: 1st, that the church to which these bishops belong, denies the right of private judgment; 2dly, that it does not profess agreement with the see of Rome; 3dly, that it has not published any explicit and sufficient formulary of doctrine.

Right of private Judgment denied.

REV. M. O'SULLIVAN.

Does it appear to you, that the doctrine of the church of Rome withholds from individuals the right of private judgment?—Certainly; I conceive that to be the great

Comm.
April 26, 1825.
Report, p. 462.

principle of the church of Rome, and one grand distinction between the churches of Rome and England.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

eds.
p. 671.

THE right of private judgment, and the free examination of the Scriptures, constitute, in my mind, generally speaking, a Protestant, in the large sense of the word. A person acting in religious matters by the exercise of his private judgment, and looking to the Scripture as the standard of his faith and practice, I would call that man a Protestant, even though he appeared to me to be within the pale of the Romish church.

REV. M. O'SULLIVAN.

mm.
xii 26. 1825.
p. 466.

You state, that the Pope has the power of defining the limits of councils; from what authority do you state that?

On the authority that, in case of a breach of discipline, when it becomes a matter of grave importance, the Pope is to be the decider of the cause; and, supposing any bishop to interpret a council according to his own view, and this view not to coincide with the Pope's, he may be cited as a delinquent for violating the spirit of what has been defined to be the truth, and, on the Pope's decision, the matter rests.

Then the Pope is the person who is to try a bishop for offences?—For any graver offence, such, I will suppose, as of heresy or perjury.

How does that prove, that the Pope has the power of defining the limits of the council?—In this manner; I will suppose that the Pope has sent a bull or brief to a Roman Catholic bishop in Ireland, directing him to use all diligence in exciting the people against the government of England; the bishop is placed in this difficulty, his oath of allegiance binds him to make this matter public, and his oath as a bishop binds him to keep it a secret. Supposing then that he yield to

p. 467.

his sense of duty to the crown, and disclose the contents of the bull, the Pope can indict him for perjury, and can state that he has violated his consecration oath, and has, by transgressing the orders of his superior, been acting contrary to the councils by which he professed that he was governed. The Pope can state, that, according to his interpretation, general councils have attributed to him the power of deposing monarchs, and that any interpretation different from his must be false, inasmuch as it rests with him to pronounce the final judgment.

RIGHT REV. DR. MURRAY.

Does not excommunication occasionally go from the bishop?

Comm.
May 17, 1825.
p. 648.

Very often; always from the bishop in this country.

In those cases, is there any latitude of judgment in the individual, whether he shall conform to that sentence or not?

Certainly; in matters of doubt, he will consult his pastor, and that pastor will consult others.

Do you think, in a case in which excommunication had been issued by the bishop against an individual, and the individual was to apply to the pastor, generally speaking, the pastor would advise the individual to resist the excommunication of the bishop?

I think that, if the excommunication were unjust, he would advise him to do so, and also to apply to the superior of the bishop to have it reversed.

On what principle is the individual to judge of the justice or injustice of the sentence of excommunication.

If a sentence of excommunication be fulminated against him, for having done what is known to be good, it is of course evidently, and *per se* unjust, and every man can judge of that.

What is the criterion by which you estimate the quality of actions?

No other than the common criterion, by which a man estimates what is sinful, and what is not. There does not seem to be much difficulty in ascertaining, whether a man has been guilty of a transgression so great as to deserve so great a censure; a censure which is never issued except for grievous crimes.

Comm.
May 17, 1825,
p. 649.

Is it by reference to the Scriptures the individual is to judge of that?

By reference to the laws of God, and of the church; if he finds he has not transgressed those laws, he feels that the excommunication is unjust.

Does not that imply that the individual is himself to apply to the law of God, to ascertain the quality of the action?

Almost every man knows what is prohibited by the laws of God, and of the church. Those things are set down in every prayer-book; they are known by the authority of the church.

The authority of the church is the guide to the individual in estimating the criminality of the action?

Those things recognised by the church as sinful, of course he holds as sinful.

What the church declares as sinful, he is bound to receive as sinful?

Most certainly.

If an excommunication is issued against any individual of your church, either for doing that which is in itself a duty for him to do, or for not doing that which it would be crime in him to do, is not an individual of your church at liberty to exercise his reason and his judgment in such a case, and see whether the doing, or the abstaining from doing, would be sinful?

Most certainly. It is only for grievous crimes that such censures are inflicted; and every man, by looking into his prayer-book, sees what those crimes are.

If the criminality or the innocence of the act should depend upon the positive precepts of religion, the individual,

In order to satisfy himself in that respect, would he have recourse to the word of God, as he finds it in the sacred Scriptures, and in the ordinances of his church?

Certainly.

If it is something respecting the natural and moral rights, not growing out of the revelation of God, he would consult his moral sense and feelings upon the subject?

Most certainly.

Do you admit, that in the referring to the Scriptures, in order to ascertain the quality of an action, the individual shall exercise his private judgment as to the precepts that are there found?

If the precept be distinctly marked in the Scriptures, of course he will refer to the Scriptures. This is a matter he must have already known from his infancy, because the crimes that the Scriptures prohibit are known and regularly taught to the children of the Catholic persuasion; as they grow up, the same doctrines are impressed upon their minds.

Supposing a case was to occur, in which the authority of the Roman Catholic church was to give a particular interpretation to the Scriptures, would the individual be at liberty to adopt his own interpretation of the Scriptures, or would he be bound by the interpretation of the Roman Catholic church?

Whenever the Catholic church decides on any point, as being conformable to the Scriptures, it is the belief of every Catholic that it cannot err, and of course, under that impression, he does bow with reverence to the decision of the church.

REV. W. PHELÂN.

Do you consider, that a Roman Catholic considers himself at liberty to disobey the orders of the Pope, or to exercise a discretion with respect to the orders of the Pope?—If the orders of the Pope are enforced by

Comm.
Report. 485.

excommunication, he is no longer at liberty; his first duty, in that case, is to become reconciled to the church. I can explain the matter to the committee, by mentioning, that the bull *Unigenitus*, a very celebrated bull, is still in force in Ireland, and that one of the propositions condemned in that bull is of the nature inquired after. This proposition I will read to the committee: "The fear of an unjust excommunication ought not to deter us from doing our duty; to suffer excommunication or anathema rather than to betray the truth, is to imitate St. Paul." This is one of the 101 propositions of Quesnell, which are condemned by the bull *Unigenitus*; and that bull is now in force in Ireland.

MOST REV. DR. MURRAY.

Comm.
May 17, 1825.
Report, p 647.

Is the bull *Unigenitus* received in Ireland?—It is.

Is not the following proposition condemned by that bull, namely, (*as above*), and does it not therefore follow, that a Roman Catholic bishop has not the power to resist even an unjust excommunication, if issued by the Pope?—That proposition is condemned in the bull alluded to; but the condemnation of it is not to be understood as implying, that an unjust excommunication should deter us from doing a real duty. The proposition was condemned in the precise meaning of the individual out of whose book it was extracted. That proposition is taken from the book of Quesnell; and the meaning of the author was, that he was not to be deterred from supporting the condemned errors of Jansenius and Vavius by the dread of an excommunication; for that an unjust excommunication should not deter a man from doing his duty, that is, from doing that particular duty, a thing which really was not a duty, but a crime. The condemnation of such a proposition, understood in the sense of Quesnell, is perfectly correct. I will put a parallel case: In the beginning of the French revolution, the Jacobins said, that the first duty of a citizen

was insurrection. Now, if they had added, that a man was not to be deterred by the dread of an unjust excommunication from doing that duty, that is, from rising in insurrection, one would condemn the proposition. Taken generally, it is true; yet, applied in the sense of the person using it, it is false and censurable. The same is to be said with regard to Quesnell; his proposition, when taken generally, is true, but it is false and pernicious when understood in the sense of the writer; that is, that in his support of the errors of Jansenius and Vavius, he was not to be deterred from the path of duty he had traced out for himself by the dread of an excommunication, which he thought proper to call unjust. This proposition was, it appears, objected to by the parliament of Paris, nor would they register the bull containing it, until it was so explained; but after this explanation was given, limiting its meaning to this particular sense, the bull was registered, and became a part of the law of the land.

REV. W. PHELAN.

Do you not see that your last answer involves this contradiction, that, whereas with reference to the church of England, you acknowledge that the authority of the divines of the church of England is that which is entitled to the greatest weight in the church of Rome, you conceive the authority of the divines of the church of Rome may be rejected, and the authority of the divines of the church of England received?

Comm.
May 5, 1825
p. 537.

With this difference, that if you appeal to the authority of the divines of the church of Rome, you must abolish the meaning of words, which the divines of the church of England do not ask you to do.

The Editor has placed the above answer of Mr. Phelan, delivered on the 5th of May, in juxtaposition with the explanation of Dr. Murray, given on the 17th; and the reader can determine, whether it does not fully justify the assertion, and prove that those at least who receive the authority of the Roman

Catholic Archbishop of Dublin, must consent to yield up their private judgment as to the import of words and phrases, and be contented to apply to a proposition, a meaning the direct contrary of what in the ordinary signification of language it might be said to have. The particular proposition to be here considered appears extremely simple—"The fear of an unjust excommunication ought not to deter us from doing our duty." This proposition is condemned by a bull which Dr. Murray declares to be in force in Ireland, and the condemnation, he adds, is in conformity with the doctrines of his church. The reader has already observed, that the important words in the condemned proposition are the words "duty" and "unjust." Quesnell did not say that a man should not be deterred from a criminal or even from an indifferent act; he supposes the act to be one to which a man is bound by the obligation which truth imposes on him, and by a constraining sense of his duty. From such an act, the proposition goes on to state, that a man is not to be deterred by—not "an excommunication," but by an "unjust excommunication." If the excommunication be just, if the forbidden act be not a duty, the proposition, in the ordinary acceptance of the terms, is not applicable; the case which it supposes is one in which the excommunication is unjust, and the forbidden act one which conscience commands; it pronounces, that a man, in such circumstances, should not be deterred from doing his duty. Doctor Murray's explanation is as follows—that the proposition of Quesnell, "considered generally, is true, but taken in the sense of the person using it, is false and censurable;" or, as may be said, explaining the words according to the principles of language, the proposition is correct, but explaining them in the sense of the church of Rome, it is to be condemned; for, the sense in which the church regards the proposition is altogether different from that in which an ordinary reader might regard it. Quesnell declares, "that the dread of an unjust excommunication ought not to deter us from a duty;" and the Church of Rome interprets the expression thus, "the dread of a "just" excommunication ought not to deter us from a "crime;" so that, in order to reconcile the opinions of Dr. Murray with the decisions of his Church, we must admit, that by the word "unjust," he and his Church mean "just," and by the word "duty" is to be understood "crime."

As if to render the truth of this position more unquestionable, Doctor Murray proposes what he calls a parallel case. The reader is, no doubt, a little surprised to learn, that the Church of Rome selects the principles of the Jacobins in the French Revolution as a parallel to those of such men as the Jansenists, and the principle "that the first duty of a

citizen was insurrection," as analagous to the opinion of Quesnell, that it was his duty to preach the doctrines in which he believed. Such, however, is the parallel case proposed; and as there can be no doubt that the opinion of the Jacobins was highly criminal, so we are given to understand was also the belief of Quesnell; and as insurrection could not be "a duty, but a crime," and, as the excommunication pronounced against those who were guilty of such a crime could not be accounted unjust, so neither was the preaching to which Quesnell thought himself bound a duty; so neither could an excommunication fulminated for his offence be unjust. If, however, an unjust excommunication issued from any authority in the Roman Catholic church, the reader may have already collected the opinion of Dr. Murray, that it should be disregarded. That Dr. Doyle entertains the same opinion, the following extracts from his evidence will satisfactorily prove.

RIGHT REV. J. DOYLE.

IF any excommunication were issued from Rome, would that have any effect in Ireland?—Not until it was published in Ireland.

Lords,
April 21, 1825.
Report, p. 507.

Would it be mandatory on the bishop (*to publish*) if directed to him?—By no means; such a commission would be sent to him, saying, If you find the premises true, and the facts justly stated, you will be pleased to do so; and thus it is a courteous application.

Supposing the Pope to do it not in that mode, would it be obligatory on the bishop?—I can only speak for myself, for there is no declaration in the law on the subject; I should be satisfied that the sentence was a just one before I would make myself the instrument of executing it; for they are guilty of death, says the apostle, not only those who do evil, but those who consent to the doing it; and if I became the Pope's agent in pronouncing sentence of excommunication against a Christian not guilty of a crime in any opinion deserving it, I should be an accomplice in the Pope's injustice.

From this it is not too much to infer that Dr. Doyle agrees in opinion with his superior, and carries his objection to an unjust excommunication so far, as that he not only does not think

it right to deter by unjust means a Roman Catholic from his duty, but, though specially commanded to inflict such a punishment, he would not obey the orders of the Pope, if he considered him in error. Thus, then, two of the most eminent among the Roman Catholic bishops in Ireland declare their assent to Quesnell's proposition, and, at the same time, profess to believe that it was justly condemned; because, in the former case, they contemplate the proposition as affirming, in ordinary language, that "an unjust excommunication ought not to deter from the discharge of a duty;" and in the other, they see it through the speculum of their church, by which the language becomes inverted, and the word "unjust" is made to communicate the idea of "just," and the word "duty" is converted into "crime." It might have been expected, that this ambiguity of expression, or, rather, this monstrous abuse of language, would have been avoided, and that, instead of condemning the proposition of Quesnell, the Church of Rome would have been contented with condemning his errors, and with declaring that what he considered a duty was, as Doctor Murray declares it, not a duty, but a crime.

It does not however appear, from the evidence of the Roman Catholic bishops, that any very liberal concession is made of the right of private judgment. A man is not to dread an unjust excommunication; he is to learn what guilt is from his natural reason and from the Scriptures, but his natural reason is to be submitted to the commands of the Church, and his application to the Scriptures must be, to the Scriptures understood as the Church of Rome interprets them. So Doctor Murray declares; and if his interpretation of the Scriptures be of the same nature with the explanation he has given of Quesnell's proposition, and if he require the assent of all his flock, or, as it is usual to call them, "his subjects," to such an interpretation, he certainly leaves very little of what would in ordinary language be termed, permission to exercise the right of private judgment.

The declaration of Doctor Doyle, that he would not, though commanded by the Pope, issue an unjust excommunication, may for a moment give rise to a notion, that however he denies it to "his subjects," he claims for himself the right of private judgment; but it is probable, that there should be some limits prescribed to the extent of the declaration, or rather, it is probable that Doctor Doyle would not venture, in general, to retain an opinion contrary to that of the Pope, after it had been pronounced heretical. He would not, perhaps, issue an excommunication if he conceived the Pope misinformed as to facts; but it is a question whether he would refuse, if the facts had been fairly and fully known, and that he considered only the law of the case dubious. Supposing an excommu-

nication forwarded to Doctor Doyle to be fulminated against a person who held erroneous opinions on a point of faith, and that the person who was thus accused of heresy gave satisfactory proofs that he held no such opinions, perhaps the punishment might not be inflicted: but if the accused person acknowledged that he did hold the doctrines imputed to him, and endeavoured to justify them as being approved by his conscience and conformable to Scripture, and if Doctor Doyle, under these circumstances, considered that the excommunication *could be unjust*, his writings both as Dr. Doyle and as J. K. L. are calculated to give a very unfair representation of his sentiments, and his evidence taken before the Commissioners of Education Inquiry, gives a very unfair account of his practice. In a letter addressed to Thomas Newenham, esq. dated June 29th, 1824, he thus writes: "I myself am probably one of the most moderate divines in the empire: certainly I would wish with the Apostle, to be separated for a time from Christ, for my brethren, whether Protestant or Catholic; but I would, with the grace of God, suffer death a thousand times, were it possible, rather than assent to any thing regarding faith, which would "not be approved by a successor of St. Peter."* This letter is signed J. Doyle. In another place, in a letter on education, signed J. K. L. the following passage occurs:—"What, let me be allowed to ask, what is heresy, if it be not our own choosing of an opinion different from the opinion of the Church, and adhering obstinately to it? As if Christ were divided, or as if there could be two faiths. It is not the believing a little more or a little less, the piling up a little wood, hay or stubble, which constitutes it at all; *it consists essentially in the choosing to judge for ourselves, in refusing to hear the Church, in despising her pastors, and adhering obstinately to our own erroneous opinion, no matter whether the error be great or small.*"† Again, speaking of the necessity of inquiring into religious truth from the heads of his Church, he says, "If we hear them, we hear Christ, who is with them all days, even to the end of the world; but if we despise them, and Christ and his Father with them, we must only take our place among the heathens and publicans, where we will have ample leisure to print and distribute Bibles and dispute about them to our hearts content."† It is worthy of remark, that submission is insisted on, not merely in points of great magnitude, but also in matters which, until the judgment of the Church was pronounced, were to be regarded as indifferent. "† Had the people of Antioch," J. K. L. goes on to say, "adhered to the observance of the Mosaic rights as necessary, after the decree of the Church

* Letters on the Re-Union of the Churches. p. 25.

† Letters on the State of Education in Ireland, by J. K. L., pp. 49, 48, 30.

at Jerusalem, *Christ would be of no use to them*, more than to the Galatians; though it is to be observed, that these rites, until the synagogue was buried, were in themselves matters of indifference, as appears from Paul's own occasional observance of them, as well as from his circumcising Timothy, in order to conciliate the Jews."

Such are the sentiments of Doctor Doyle, with respect to the authority of his Church, and the submission required from all its members, sentiments which the Editor feels himself justified in attributing to their anonymous author, not only because of the general notoriety of the matter, but also because a public expression of thanks was voted by the Roman Catholic Association to Doctor Doyle, for his "Vindication," written under the signature J. K. L. It cannot therefore be considered unfair to employ the writings of J. K. L. as comments on the evidence of Doctor Doyle, which may assist in explaining what his sentiments on doctrine are; and it is equally correct to lay before the reader the account of the discipline he enforces, as stated in his evidence before the Commissioners of Education in Ireland.

RIGHT REV. J. DOYLE, D.D.

Report of Commissioners of Education, Appendix, p. 785.

IF I found that the London Hibernian school was one where the rules were strictly adhered to, and that the Catholics were desired not to suffer their children to frequent it, yet did so, being apprized of their danger, I should *think it proper to withhold the sacrament from them when dying.*

Need there be in the schools any other stumbling block than the Scriptures being read, and got by heart?—There need not.

It is enough if the Bible is read there without note or comment?—Yes; that is quite sufficient in order to make such schools obnoxious to us.

This will serve to show to what an extent the power of "coercing opinion" is carried by "one of the most moderate divines in the empire." If a poor man who had been permitted to send his children to a school (where the Douay version of the Scriptures was read and committed to memory), and who found comfort in their improvement, be commanded (by the priest who had previously given him the permission on which he acted) to withdraw them from the school, and if, not perceiving danger to their religious belief, and seeing their moral

habits greatly improved, he resist an order of which he cannot understand the justice, and, with an undisturbed conscience, continue to procure for his children the benefit of wholesome instruction; his disobedience to the priest is considered as disobedience to God, and he is condemned to die, under virtual excommunication. It is evidently the exercise of private judgment which is here condemned; the mere act of sending a child to the Hibernian school cannot merit such condemnation; otherwise no priest could be permitted under any circumstances to allow it. The sacrament is withheld, because a man, upon a matter which the Church of Rome sometimes tolerates, sometimes forbids, chooses to exercise the right of private judgment. Therefore Doctor Doyle excommunicates him, and denies him, in his last moments, the consolations of religion. From all this, it must clearly be inferred, that the practice of the Church of Rome in Ireland is in accordance with the principles of that church in Italy and Spain, and that in Ireland, as well as at Rome, the exercise of the right of private judgment is forbidden.

Uncertainty of Doctrine.

REV. M. O'SULLIVAN.

ARE the Committee to understand, that the doctrine of the Roman Catholic church is unsettled; that there is no established formulary, to which persons can refer, for the interpretation of Scripture?

Comm.
April 26, 1825.
Report, p. 463.

Yes; and that is one of the means by which influence is preserved. I am confident, if the Roman Catholic gentry had exhibited to them what the true nature of their church is, they would not continue members of it; but the unsettled state of the doctrine gives to the Roman Catholic clergy the power of accommodating their view of the religion to the understanding of the persons to whom it is presented. And I have known instances in which men, otherwise very amiable, have represented the doctrines of their church in different lights, according to the character of the person to whom it was described; to some they would say, that certain observances were absolutely necessary; and to others,

that they were not at all necessary; that they were adopted only for the purpose of exciting a spirit of devotion in the minds of uneducated persons. It has not been authoritatively determined what number of councils have authority; and while the doctrine is thus unsettled, any Pope has the power of summoning a council around him, and can have the faith defined to be whatever suits his particular purposes.

Comm.
April 26, 1825,
p. 477.

Is it a correct mode of judging upon the Catholic religion, to form conclusions from mere matters of opinion?—To that question I may answer distinctly, that it is not a fair mode of forming a notion of the Roman Catholic church.

Then where are the Committee to find what are really the matters of faith that teach what the Roman Catholic religion is?—I think no where; and I will state my reason: in the council of Trent the rule of faith is defined to be the Scripture and unwritten tradition; there is, therefore, a portion of the Roman Catholic faith unwritten, and that portion may be of such a nature as to neutralize all that is charitable, and all that is wise, in the written.

Has not that question, with respect to Scripture and tradition, been the subject of discussion of the councils of the church of Rome; and has not a code of faith been formed out of a full consideration of the principles upon which the religion is founded, by which the real character and nature of the Catholic religion may be fully comprehended?—I know of no such code.

Are there not traditions that are received by the Roman Catholic church, and others that are not received, or do they indiscriminately receive all tradition, or may any tradition be received by the Pope, without any other authority?

I have often laboured with all assiduity to find out what the meaning of "tradition" was, as received in the church of Rome; and the conclusion at which I have arrived is

this, that "tradition" is nothing more than a reservation in the power of the Pope, to give such interpretation as suits him to any doctrine he may see fit to propose or to receive.

How would you define tradition?—It is spoken of as something handed down from one generation to another; but while it is defined in this manner, since much of what is called tradition is unwritten, and as no individual can authorize it, except perhaps the Pope, I feel myself justified in concluding, that in reality, tradition is little more than a power of giving to written doctrine such an interpretation as may suit the views of a Pope and council.

MOST REV. DR. MURRAY, D.D.

IN what books are to be found the most authentic exposition of the faith of the Catholic church?

Comm.
Mar. 22, 1825.
Report, p. 224.

In the creed of Pius the Fourth; in the catechism which was published by the direction of the council of Trent, called the Roman Catechism, or the Catechism of the Council of Trent; an Exposition of the Catholic Faith, by the Bishop of Meaux, Bossuet; Verron's Rule of Faith; Holden's Analysis of Faith, and several others.

What authority has Gotther amongst Catholics, as a writer upon the Catholic religion?—He is considered a very zealous and correct divine; he is very much in use amongst Catholics.

p. 227.

And his authority is received as sound?—His authority is considerable as an individual; the authority of no divine is paramount.

RIGHT REV. J. DOYLE, D.D.

Does the See of Rome allow any weight whatever to canons of Catholic universities?—Yes; they always treat the decisions of the Roman Catholic universities with great respect at Rome.

Lords,
Mar. 21, 1825.
Report, p. 386.

As conclusive?—Not as conclusive.

Uncertainty of Doctrine ;—the Papal Power.

Lords,
 Mar. 21, 1825.
 Report, p. 387.
 Rt. Rev.
 J. Doyle, D. D.

WILL you have the goodness to explain what is meant by the infallibility of the Pope?—There are so many divines who have written on that subject, and they have given such very long definitions of it, that I should do much better by referring your lordships to them than by giving a definition myself. Melchior Cano has a long treatise on the infallibility of the Pope.

Is the Pope's authority received by the Irish Roman Catholic church as supreme, in matters of faith and morals?—We recognize him as the head of our church, and therefore give him the executive authority; but that is limited by the sacred canons. He cannot create new articles of faith.

When you state, that in the oath you have alluded to, you swear that you will obey the Pope, agreeably to the canons, do you mean that each individual taking that oath reserves to himself the right of judgment, how far what is commanded is conformable to those canons?—I can say, that as individuals, we do reserve to ourselves that right. But then there are many canons that are of dubious import; there are others of them which define the rights and privileges of bishops; those are known to us, but upon those it is not the individual judgment of the man that he is to trust to, but the universal understanding of the bishops of the country in which he dwells. For instance, the bishops of France, and, I might add, the bishops of Ireland, have always maintained that many privileges belong to their order in their respective countries, which the bishops of Belgium, for instance, do not claim for themselves. Thus, then, the privileges of the episcopal order depend upon canons that are not always universal, but which may be local; and each nation, or the bishops of each nation, understand by that clause of the oath (*salvo meo ordine*) the privileges with which their own order is invested, not

only by the universal canons of the church, but by the canons and usages of their own particular nation.

When you state by the canons of their own particular nation, do you mean the literal sense of those canons, or the meaning they have received in the Roman Catholic church of that nation?—I mean the canons enacted in national councils in that nation.

From these extracts it appears, that, in the Roman Catholic Church, there is no living authority from which the doctrines of the church can be collected; the judgments of individuals are not of paramount authority; the decisions of universities are not conclusive; and even the judgment of the Pope must be subjected to the approval or rejection of the bishops, who will compare it with the canons of their church, general and national, and decide upon its correctness. It seems somewhat extraordinary, that Doctor Doyle should have declined answering the question proposed to him, respecting the nature of the Pope's infallibility. To say that Melchior Cano had written a long treatise on the subject, was certainly not giving much satisfaction. Melchior Cano surely was not infallible, and whatever his sentiments or opinions were, it can hardly be thought that they were of much importance to the Committee of the House of Lords of Great Britain; but it was of much importance to learn what Doctor Doyle thought on the subject, in order that his definition of the abstract doctrine might be compared with his expressed resolution to oppose under certain circumstances the bull of a Pope. It was important to ascertain, whether such a resolution was consistent with the speculative opinion, or whether it was only one of those cases, in which doctrine for a time was disregarded. However, although Doctor Doyle declined answering in direct terms, the important question proposed to him, he stated some opinions respecting the powers of the Pope, which it is well to have known. The authority of the Pope is confined to spiritual things; and even in them it is limited. It is limited by the councils of the general church; it is limited by the usages of various nations, so that each bishop is competent to decide whether any particular command, addressed to him, is conformable to the doctrines of the church, and does not encroach on his own peculiar privileges. Hence it appears, that in the church of Rome, there is no living authority, because even the definitions and declarations of the Pope, are subjected to the scrutiny of individual judgment; first, for the purpose of having it decided, whether they are to be received; and secondly, as in the condemnation of Quessell's proposition, mentioned above, for the purpose of determining in what sense they are to be understood. Such is the latitude

which, according to the testimony of its Irish bishops, is allowed to teachers in the church of Rome. It is important to inquire how they have availed themselves of it. Nothing can in a political sense, be more important than to have the privileges of the Pope, and the rights of his Irish people well defined, so as that it shall not rest on the words of any individual, whether his commands shall be obeyed or resisted. The Pope is to be obeyed according to the canons; that is, either the canons bestow power upon him, or they set bounds to his authority; either the canons govern the people, or they protect them against unlimited despotism. It would be natural therefore, to hope, that the Roman Catholic bishops in Ireland, availing themselves of the liberty to which they lay claim, would have compiled for the use of "their subjects," an authentic summary of these important canons, to which reference might be made, if an unjust command of the Pope was to be resisted, or if the suspicions of Protestants, the jealous guardians of the constitution, were to be removed. Whether any object of this nature has been attained or sought, the following extracts may serve to show.

RIGHT REV. J. DOYLE, D. D.

Lords,
Mar. 21, 1825.

Is the creed of Pius the Fourth the creed acknowledged in the Irish Roman Catholic church?—Yes; every Catholic acknowledges that creed.

Does not the last article but one of that creed declare every thing done in that council (*of Trent*) binding?—That regards faith and not discipline.

REV. M. O'SULLIVAN.

Comm.
April 26, 1825.
Report, p. 475.
p. 476.

IN order to render the decrees of a council valid, must they not, in the first place, have received the authority of the Pope, and, in the second place, have been accepted of in the national church to which it is proposed to apply them?—I know no such distinction as that, with respect to the national church; such a distinction has been stated, but the Council of Trent does not recognise it. The only reserve made in the Council of Trent is for the authority of the Pope. There is no right reserved to any national church, because the council is constructed on the supposition that there are representatives from every national church, and that,

therefore, what the council decree, every national church is virtually consenting to. The Council of Trent contains an express decree, directing that every national church shall at once receive its decrees, yield to them implicit reverence, and publish them in synods; nor does this apply merely to the decrees respecting faith and morals, it states *omnia et singula decreta*.

REV. W. DIXON.

Extract from the Profession of Faith or Creed of Pius the Fourth, referred to in the Question proposed to Doctor Doyle.

“ ALSO, all other things defined, delivered and declared, by the sacred canons and œcumenical councils, and especially of the holy Council of Trent, I do without doubting receive and profess, and also all things contrary, and all heretics whatever, condemned by the church, and rejected and anathematized, do I, in like manner, condemn, reject and anathematize.”

Lords,
Mar. 29, 1825.
Report, p. 914.

By comparing this extract and the creed from which it is taken, with the answer given by Doctor Doyle, the reader will find, either that his answer is not correct, or else, that when he professed to give an account of the books in which the nature of the Roman Catholic faith was explained, his account was very imperfect.—“ The clause in the creed of Pius the Fourth regards faith, not discipline.” There must be then some secret article of faith to which the Roman Catholic bishops have made no reference in their evidence; or else many of those things which are not regarded as of moment, are, in reality, articles of faith, and to be held on pain of damnation. A brief analysis of the creed will be sufficient to justify this remark.

The creed of Pius the Fourth commences by professing a belief in all the articles of the Nicene creed, and by a distinct recital of them. After this follows an account of the tenets peculiar to the church of Rome.

1st.—The steadfast attachment to apostolical and ecclesiastical traditions, and to all observances and constitutions of the church.

2d.—The rejection of private judgment in interpreting the Scriptures.

3d.—Belief in the doctrine of seven sacraments.

4th.—Acceptance of all that has been defined and declared in the council of Trent, concerning original sin and justification.

5th.—Belief in the doctrine of the mass, and communion in one kind.

6th.—Belief in the doctrine of a purgatory, and in the use of the prayers and suffrages for the souls there detained.

7th.—Belief in the doctrine of invoking saints and venerating relics.

8th.—Assertion that images are to be honoured and venerated.

9th.—Belief that the power of indulgences was given to the church, and is useful.

10th.—An acknowledgement that the Roman Church is mistress of all churches, and a promise of true obedience to the Pope.

After these declarations follows the clause already quoted, of which Dr. Doyle states, that it refers to faith, not discipline, Authority, therefore, of no ordinary kind, is given for the opinion, that, beside the articles named in the creed, there are others, which all members of the church of Rome are bound to receive, and it is not easy to imagine a reason why, under such circumstances, a witness could trifle with the British nation, by referring (as to a complete formulary of doctrine for the faith which he professed) to a work containing no account of any doctrine which had not been avowed in the creed of Pius the Fourth. The reader can judge of the correctness of this remark, by comparing it with the evidence on which it is founded.

RIGHT REV. J. DOYLE, D. D.

Lords,
Mar. 21, 1825.

WHEN Roman Catholics are required to profess their assent to all things declared and found in the canons of councils, what councils are meant?—The canons universally received by the church, or such parts of them as are received by the church.

The whole of some, and parts of others?—Just so.

What is the most approved and authentic summary of the creed of the Roman Catholic church?—The most approved and authentic summary of the creed of the Roman Catholic church will be found in the decrees of the Council of Trent, and in the profession of faith by Pius the Fourth, and in what we call the Roman Catechism or Catechism of the Council of Trent.

The latter work particularly is perhaps the most authentic summary, because in the Council of Trent many things are mixed up with the declarations of faith; whereas, the catechism of the council is confined, I believe, exclusively to matters of faith and morals.

Roman Catholics are required to profess their assent to certain canons, prescribing tenets or observations different from those which are declared as objects of belief or acceptance in the creed of Pius the Fourth. These tenets, as Dr. Doyle informs the nation, are points of faith, points which must be firmly believed, in which error is damnable; and yet the book to which he particularly refers as explaining the doctrine of his church, does not notice one of them. If Roman Catholics are required to believe certain canons, a formulary of their faith should contain at least a statement of what these canons prescribe; and the Roman Catholic bishops have referred in their evidence to no such summary. To express in a more brief form what has been stated here, Doctor Doyle has declared upon oath, that beside the articles of faith, of which profession is made in the creed of Pius the Fourth, there are other articles not of discipline but of faith, prescribed in œcumenical councils and sacred canons; and when he was requested to name some authentic formulary of Roman Catholic doctrine, he referred to works in which no mention was made of these additional articles. Thus the nation is informed, that the Roman Catholic laity in Ireland are taught to believe, that there are articles of faith which are not contained in any of their avowed books of instruction, and which, even though they may be ignorant of their nature, they pledge themselves undoubtedly to receive. This "implicit faith" is well characterised in the two following quotations, one from the evidence of his Grace the Archbishop of Dublin, the other from Dr. Milner's "End of Religious Controversy."

HIS GRACE THE ARCHBISHOP OF DUBLIN:

"I AM satisfied that a great many of the laity of the Roman Catholics do not know the doctrines. It is a rule of their church, as I have understood, that it is not necessary for its followers to know exactly what its doctrines are. There is what is called an implicit faith, admitted according to the established principles of that church; and if a person can say, I believe all which the church believes and teaches, he is not re-

Lords,
April 29, 1825.
Report, p. 670.
p. 671.

quired to explain what that is. This sufficiently signifies, that he is docile and devoted to the authority of his church; and this, as I understand, is considered the great virtue in the Roman Catholic religion. To explain myself still further. I can conceive that a person may hold all the doctrines belonging to the Roman Catholic church, excepting whatever is connected with the supremacy of the Pope; and yet, that if he had drawn those doctrines by the force and exercise of his own judgment from the investigation of the Scriptures, he would not be acknowledged as a person within the pale of their communion. He would not be connected with the body of the church, as not being connected with its head. I rather think that he would be pronounced, from his not yielding in the one point of submitting to the supremacy of the Pope and the authority of the church, as a person to whom, by the rules of that church, salvation must be denied. Being cut off from the centre of the church's unity, he must be cut off from the unity of the church."

Lords,
April 29, 1825.
p. 671.

MILNER'S END OF CONTROVERSY.

Dublin, 3rd
Edition, 1820.
Milner's end of
Controversy,
p. 15.
p. 16.

"You may satisfy yourself respecting it, even by interrogating the poor illiterate Irish, and other Catholic foreigners, who traverse the country in various directions. Ask them their belief as to the fundamental articles of Christianity, &c. and I will venture to say, you will not find any essential variation in the answers of most of them, &c. At all events, the Catholics, if properly interrogated, will confess their belief in one comprehensive article; namely, this: *I believe whatever the Holy Catholic church believes and teaches.*"

It is impossible to dismiss this subject without remarking one very extraordinary omission in the statements made by the Roman Catholic bishops. The reader must have observed, that in declaring what their formularies of doctrine are, they have mentioned none as having obtained the sanction of a Pope and council, and they have mentioned none which contains an account of those articles of faith (as Doctor Doyle calls them) which, in addition to the articles professed in the creed of Pius the Fourth, every Roman Catholic is bound to

believe. It is therefore a matter of very great surprise, that, in naming the books which contain an account of the Roman Catholic church as it exists in Ireland, they should have omitted to mention that very important book, "The Treatise of the Church of Christ, compiled for the use of candidates for orders," and used as their class book by the students at Maynooth. One might have supposed that this book would have been first named. It is, perhaps, the only one with which it appears a necessary part of an Irish Roman Catholic priest's education, that he shall be thoroughly acquainted; and yet, strange to say, while the Roman Catholic bishops refer to various works, as containing accounts of the doctrine of their church, they pass over in silence that book, from which they require of their priesthood to learn the faith which they are to teach. Whatever their doctrine be in the abstract, the Maynooth Class book may be supposed to furnish the best published account of what it is in Ireland. It is a book learned by the Irish Roman Catholic priests, appointed to be learned, by their bishops;—and yet this is the book, to which, when information was sought as to the nature of the Church of Rome in Ireland, the bishops of that church omitted to refer. The omission is the more extraordinary on the part of Doctor Doyle, because by his answers on another subject, he shows himself fully aware of the importance of referring to the instructions given at Roman Catholic colleges, for the purpose of proving what are the genuine doctrines of his church. It is by such a reference he endeavours to prove that "the doctrine of a deposing power" is obsolete. "It is," he observes, "a thing we reject at our schools." He adds, that he had himself learned and taught theology, for many years; and had maintained the propriety of rejecting such a doctrine. From this it may be inferred, that Doctor Doyle was not ignorant of the importance of making a reference to the instructions given in his colleges, as explanatory of the doctrines held in his church; and it is therefore well worthy of remark, that, in directing his examiners to those books in which they could find an account of his faith, he did not refer to that work from which he has commanded the Irish priests to learn it. The editor cannot avoid contrasting with the explanation given by the Roman Catholic bishops, an answer which he received from a Roman Catholic student in divinity, when questioned as to the doctrines of his church. Doctor Doyle refers to the creed of Pius the Fourth, which has not, as he swears, enumerated all the articles of his faith; to the Roman catechism, and other books, which have not supplied the deficiency. But the Irish student, on being asked a similar question, said, "In this book, the doctrines of our church are to be found," and he handed to the editor Doctor

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Delahogue's Treatise on the Church; the Class book of the students at Maynooth. Let the reader compare that book with those to which the Roman Catholic bishops have referred, and judge why, if they thought it not proper or necessary to be acknowledged before the Parliamentary committees, they direct the Irish priests to learn their theology from it.

The proofs that there is no established formula of doctrine to which Irish Roman Catholics can refer, and no living individual authority competent to guide them, are as follows:—

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p. 227.
 Mar. 22, 1825.
 ords,
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Dr. Murray.—The authority of no individual is paramount.

Dr. Doyle.—The decisions of universities are entitled to high respect, but are not received at Rome as conclusive.

ords,
 p. 502.

Dr. Doyle.—Beside the articles enumerated in the creed of Pius the Fourth, there are others to be received as of faith. These are defined in the sacred canons, of which some are received entire, some in part, and of which no account can be obtained from the formularies to which the Roman Catholic bishops have referred to as authentic.

Thus, then, the Irish Roman Catholics are left without any authentic formula of faith. They are pledged to something, they know not what. They promise an obedience, but of what nature and how limited they have no means of ascertaining. They are told it is a "spiritual obedience," that it respects faith and morals; but they are not to reject the perfidious and immoral decrees of councils, not even those which Doctor Doyle calls "votes." Doctor Doyle states correctly, that his church in faith is unchangeable; it is certainly so in principle: through all the varying and conflicting elements of its practices and speculations, one object is kept steadily in view, namely, to secure the people's unreflecting obedience. Whether it be, in order to obtain and preserve this the more effectually, that its doctrines are left perplexed and undiscoverable, cannot with certainty be known; but, it is unquestionable, that obedience to the head of the Church appears to be the indispensable requisite for communion with the Church of Rome; obedience either real or professed; and it may, naturally be imagined, that the difficulty opposed to a Roman Catholic who seeks information as to the nature of the obligations he has taken upon himself, may cause him to give up an unproductive inquiry, and subside into that unquestioning and obedient faith which befits a son of the Church. The inconvenience which may

result to the state from such a consequence, can be inferred from the following extract :—

REV. M. O'SULLIVAN.

Do you apply that to temporal questions, as well as to spiritual questions ?

I will state a conversation which I had once with a Roman Catholic gentleman, which will shew that it applies to temporal as well as spiritual questions. He was a very respectable man in trade, and a man of considerable intelligence ; he said to me, that he conceived the only stain upon the British constitution, was the exclusion of Roman Catholics : I said that it was very natural he should consider so, but that he ought also to look at the case of the Protestants, and see how they would feel it ; it was equally natural that Protestants should regard with jealousy the claims of a man who promised to this country only an imperfect allegiance ; he said that was not the case, that they promised an entire and full allegiance. After some further conversation, I said to him, Suppose that the Pope and council announced that the King of England was a person who should be deposed, would you feel in conscience bound, as a Roman Catholic, to obey ? he instantly said, as any man would be expected to say, Certainly I should feel myself not bound to obey, because it would be contrary to Scripture. I asked him, then, if he undertook to say, whether he or his church was to be the judge of Scripture ; he said, his church was : I said, then, if the decree was so worded, that the Pope and council affirmed it to be not contrary to, but according to Scripture, that a heretical monarch should be deposed, how would you act ? He then admitted that he would feel himself bound by the decree, because it was for the Pope to judge of Scripture, and that as a Roman Catholic he should obey him.

Comm.
April 26, 1825,
Report, p. 462.

p. 463.

The editor thinks it right to observe, that the gentleman who made the above admission, expressed at the same time his

opinion, that circumstances never would occur in which his faith as a Roman Catholic must be so opposed to his allegiance as a subject. The Roman Catholic gentry in Ireland are (speaking generally) too sensible of the blessings they enjoy under the British constitution, to have their loyalty shaken by any papal injunctions; but their sentiments with respect to the Government and their Church, are far different from those entertained by the poorer classes in the same communion.

REV. M. O'SULLIVAN.

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April 26, 1825.
Report, p. 466.

You stated, that you thought the middle classes and the lower classes were very much under the influence of the priests?

Yes.

Do you think the priests ever are likely to use this influence for political purposes?

I think if at any time it should become the policy of the court of Rome to have such influence so employed, the Roman Catholic clergy shall be then bound to exert it.

p. 474.

Supposing that oaths of that nature (*allegiance*) are prescribed to be taken, and that the Roman Catholics of the United Kingdom willingly take them; do you conceive that they swear what is false?—No; I conceive that the Roman Catholic, who swears that he does not believe the Pope's deposing power, swears what he believes at the time to be the truth; but I also believe, that if, at any future time, a Pope pronounce that he is entitled to a deposing power, in that case the Roman Catholic is bound to obey the Pope, rather than the oath he has taken to a Protestant monarch.

Supposing the bishop to be a man of great industry, and of great powers of mind, do not you suppose that he is a fit commentator upon the oath he has taken, (*of obedience to the Pope*) that he understands it, and is enabled to explain it?

That he understands it better than any man of inferior powers to himself I will admit; therefore I am perfectly ready to admit, that any of those Roman

Catholic archbishops or bishops may understand the oath better than I do; but what I wish to express is this, that whatever their interpretation may be, the true meaning of the oath may be, by the interpretation of a future Pope and Council, pronounced to be directly contrary to their explanation of it.

Then supposing a future Pope to declare any given absurdity with regard to that oath, do you conceive that a Roman Catholic bishop is then bound by his conscience as a Roman Catholic divine, to abandon his own view of that oath, and to adopt that of the Pope?

No; I conceive he is bound by his conscience to abandon his bishoprick, to resign his office into the hands of the Pope, who may then appoint to the vacated bishoprick, such a man as will forward his views.

You apprehend that he is bound as a bishop to adhere to the Pope's declaration of the oath, and not to his own?—Yes; but he has one alternative—that is to resign.*

In opposition to such opinions, in which the witness infers, from the principles of the Church of Rome, what the conduct of its ministers should be, the evidence of Doctor Doyle may be quoted; in which he declares, that he would oppose the designs of the Pope, if at any time they should prove hostile to the British government, under which he lives.

RIGHT REV. J. DOYLE, D. D.

If the Pope were to intermeddle with the rights of the King, or with the allegiance which Catholics owe to the King; what would be the consequence so far as the

Comm.
Mar. 18, 1825.
Report, p. 192.

* This appears to be the only alternative offered to bishops in the Church of Rome, in many important cases. Doctor Doyle declared that he would avail himself of it, if the Pope thought proper to countenance the measure of granting a veto to the crown in episcopal appointments. He also stated, that if the Pope refused to institute or appoint a bishop, there was no regulation in the Church by which he could be compelled to act.

Comm.
P. 221.
Lords,
March 21, 1825.

Catholic Clergy are concerned?—The consequence would be, that we should oppose him by every means in our power, even by the exercise of our spiritual authority.

In what manner would you exercise that spiritual authority?—By preaching to the people, that their duty to God as Catholics, required of them to oppose every person who would interfere in any way with that right which the law of nature and the positive law of God established in their prince, a prince whom we as subjects, were bound to support; we would therefore exercise our spiritual authority, by preaching the Gospel to the people, and by teaching them to oppose the Pope, if he interfered with the temporal rights of our king

Comm.
Mar. 18, 1825.
p. 209.

Is there any distinction between the power of a vicar apostolic and a Roman Catholic bishop, as to the power of withholding the publication of any bull or rescript from the See of Rome?—I should think there is a material difference, because the vicar apostolic depends, as to the existence of his office, upon the will of the See of Rome, he can be removed from it at the good pleasure of the Pope; the faculties which he exercises can be restricted or limited, or modified, just as the See of Rome may please. It is not so with us bishops, we cannot be removed, we have a title to our place; our rights are defined from the Gospel, and from the canon law, defined as well as those of the Pope himself; we cannot be obliged to do any thing by the mere good will or pleasure of the Pope.

From this determination, considered in conjunction with the declaration of Doctor Murray, that an unjust excommunication might conscientiously be resisted, the nation and the Irish Roman Catholics would perhaps infer, that the Pope has no such controul over his bishops in Ireland, as could ever occasion any inconvenience to the government or the people. It is, however, desirable, that the Roman Catholic laity in Ireland familiarize their minds to the consideration of a great difficulty to which they may be exposed, by the unsettled state of the doctrines of their Church, even on this important

subject. The Pope may at some future time declare them absolved from their oath of allegiance, stating, as Gregory the XIIIth in his bull against Queen Elizabeth, that the season was favourable for treasonable enterprizes, and quoting from the 16th canon of the third Council of Lateran—a general council—that those oaths by which the church may be injured are “not to be called oaths, but perjuries rather.” Doctor Doyle and the other Roman Catholic bishops in Ireland may resist the order of the Pope, and preach to the people against it; the Pope appeals to the laws of the church; the bishops appeal to the law of God; the laity are distracted; as Christians, they are bound to obey the law which conscience and the Gospel sanctions; as Roman Catholics, they are required to submit their consciences and the Gospel to the government of the church; as professors of the creed of Pius the IVth, they have given their assent to the 16th canon of the third Lateran Council; and if they will think of the dishonour which follows their acceptance of that canon, it cannot be but that they will keenly feel the degradation to which their clergy have reduced them, and that they will at least expunge from their creed an article which binds them to a blind approval of principles most perfidious and abominable.

The Editor briefly states here part of the evidence on which his observations are founded.

Doctors Doyle and Murray have declared, that all Roman Catholics receive the creed of Pius the Fourth.

In this creed, the last article but one, is a profession of receiving, without any doubt, whatever has been decreed in general councils.

Before the Commissioners of Education Inquiry, Doctor Doyle confirmed and explained this principle of his church.

“The decrees of general councils received by the universal church, we conceive to be certain and true, and that they were adopted and framed by the church guided thereto by the Holy Ghost,

Is there not a distinction to be taken between articles of faith and matters of discipline propounded in the general councils?—There is, and the observations I have just made with regard to the decrees of general councils is to be understood, of those relating to faith or morals, but not as regarding discipline, unless such discipline be essentially connected with faith.

Lords,
His Grace the
Archbishop of
Dublin,
p. 777.
p. 775.

Lords,
Mar. 21, 1825.
Comm.
Report, p. 224.
Lords,
Report, p. 914.

Commissioners
of Education,
Report, Ap-
pendix, p. 794.

Rt. Rev.
J. Doyle, D. D.

Is the third Lateran Council supposed to be one of the general councils of the Roman Catholic church?—
Yes.

Lords,
His Grace the
Archbishop of
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In that council, in the 16th canon, as will appear in the collection of Labbe and Cossart, and in all other Roman Catholic accounts of its proceedings, it was affirmed, that “those obligations were not to be called oaths, but perjuries rather, which are found to be contrary to the advantage of the church and the institutions of the holy fathers.” The Roman Catholic gentry of Ireland should recollect, that not Protestants, but their own bishops and their own creeds, impute to them this foul and odious principle.

Such is the difficulty which may arise in the government of the Roman Catholic Church, in consequence of the opposition between the sacred canons and the law of God; and it is much to be regretted, that those persons who say they would oppose the Pope, if he attempted to enforce certain decrees passed in general councils, do not now assert the liberty which they promise that they will exercise on any occasion that may call for it, and reject, formally and for ever, doctrines which, though they do not disturb their Church, disgrace it. Doctor Doyle declares, that he would assert his spiritual authority in opposition to the Pope, if he made any hostile attempt against the peace or security of Great Britain; he would, he goes on to say, instruct the people in their duties (he does not say by Roman Catholic creeds or formularies, but) by preaching the Gospel, and by asserting the majesty of the law of God. If his meaning be, that he would preach thus, and exert himself thus, after having been censured and suspended by the Pope, and that he would still be acting in accordance with the principles of his church, it will be difficult to ascertain the meaning of the declaration, that the Pope has authority over his Irish bishops; and if Doctor Doyle's meaning be, that he would, in such circumstances, withdraw himself from communion with the Church of Rome, it can afford little satisfaction to the British government to know, that, in case of attempts made by the Pope against the crown and dignity of the sovereign, the allegiance of no subject can be depended on, who is not, or who is not content to become, a Protestant.

The Editor would scarcely have ventured to make remarks of such a nature as those which he has submitted here to the reader, but that he feels a considerable difficulty in understanding the precise import of Doctor Doyle's professions; a difficulty not arising out of the terms in which they are expressed, so much as out of declarations seemingly of a contradictory nature, made more in accordance with the prin-

ciples of the Church of Rome, and bearing the signature J. K. L. : "The Catholic prelates recognize in the Pope, a right and power, not only to suppress and establish chapters, but also to suppress, alter, modify and change bishoprics, to reduce metropolitans to the rank of suffragans, and *vice versa*, whenever the interests of the church or necessity requires it; but what may be more shocking to this layman, they even believe that the Pope is the judge of the necessity which would warrant such a proceeding."*

Such are the sentiments expressed by Doctor Doyle, when writing on ecclesiastical subordination under his diocesan signature, J. K. L. ; they are, the reader will at once perceive, as far as the ordinary signification of language can be relied on, in direct opposition to the assertions made before the Committee of the House of Commons; and however the contradictions may be explained away, they are sufficient to prove the great uncertainty in which members of the Church of Rome must necessarily be, as to the nature of the union which subsists between their bishops and the head of their Church.

But even if it were possible by such ingenious glosses as are familiar to the minds of school-men, to reconcile statements, in one of which it is said, that the bishops of the Church of Rome in Ireland cannot be removed from their sees, except for some sufficient canonical offence; and in the other, that they may be removed at the will of the Pope, who may displace them when the interests of the church so require, and who is appointed sole judge of the manner in which these interests may be most fitly promoted; even though these contradictory testimonies could be so explained, as to be rendered unintelligible, (a mode of reconciling difficulties by no means unusual), there still remains a more stubborn opposition to the evidence of Dr. Doyle, in the testimony of a witness whom he himself introduced, the Dominican, Melchior Cano. When Dr. Doyle was requested to explain the sense in which he received the doctrine of the Pope's infallibility, he declined stating any sentiments in his own words, but referred the Committee for information on the subject, to the treatise of Melchior Cano, which is, therefore, to be regarded as the representative chosen by Dr. Doyle for the expression of his own sentiments. It is accordingly to be understood, that whatever may have been orally given in evidence, is to be received only in such a sense as will not contradict the doctrine asserted in the printed treatise. If Dr. Doyle has, in compliance with a constitutional feeling in favour of a government like that of England, been a little too unguarded in the opinions he stated with respect to his connec-

* Dublin Evening Post, March 21, 1822.

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* Dublin Evening Post, March 21, 1822.

tion with Rome, he may appease the indignation of the Pope by mentioning the treatise to which he referred, as containing the orthodox Catholic doctrine; and in like manner, if the British nation consider the oral evidence indistinct and inconsistent with itself, and with the avowed principles of the Church of Rome, no fairer or wiser course appears open, than to refer to that treatise which contains the sentiments which Dr. Doyle deliberately adopts for his own, respecting the Pope's infallibility. The nature of this work will allow the use of but few and brief extracts; but the entire treatise of Cano will reward the patient reader's attention.

The first thing to be noticed respecting Melchior Cano is, that he was a Dominican friar, and that all Dominicans (in his time at least) professed the doctrine said to be that of Thomas Aquinas, that the Pope was entitled to a deposing power. "Infidels, by reason of their infidelity, deserve to lose their power over the faithful, who are consequently transferred to the sons of God." Whether correctly or not, the Dominicans were said to hold this doctrine, and certainly, if a judgment were to be formed from Cano's treatise, the charge against his order would seem to have been well founded. He states distinctly his opinion to be, that the Pope, in matters of faith and religion, is infallible; that the whole church are bound to obey, and that in order to save the church from error, it must have been a privilege granted to the Pope, that he should never err. This is the judgment which Melchior Cano pronounces on the Pope's infallibility; he regards distinctions taken between the Church of Rome and him who presides over it, as groundless and futile; he regards the authority of the Pope as greater, because more concentrated than that of a council, and he even thinks it necessary to apologise to his readers for discussing the authority of the Apostolic See, or (what he considers the same thing) him who presides therein, after his examination of the power of a general council; repeating at the same time his own opinion, that, if only the dignity of the subject were concerned, the investigation respecting the Pope's power ought to have precedence. The treatise of Melchior Cano is, as Dr. Doyle declares, a full statement of the doctrine of the Pope's infallibility, and it contains a recognition of that doctrine in its most offensive form; it states the objections urged by the reformers, and by moderate men, and over-rules them by opposing arguments, and, in the end, draws a conclusion which will be perhaps better understood in the illustration which is given of the doctrine, than in the proposition which affirms it. It compares the authority of the Pope, to that vested in the court to which Moses directed that appeals in important cases should be transferred; and it is remarkable, that in quoting the scriptural passages in which the authority of this court is declared,

Cano does not neglect to cite the verse which pronounces sentence of death against all who shall disobey, and notices that this sentence is to be visited on those who disobey, not the judge but the *priest*, taking care to remark, that the word is used in the singular number. "And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the Lord thy God, or unto the judge, even that man shall die, and thou shalt put away the evil from Israel."*

Melchior Cano explains, that obedience was exacted, because the priest was instructed to pronounce true judgment, and concludes, that it is not reasonable to suppose the Christian church destitute of a power which existed in the Jewish. He also observes, that the judgment of the priests was decisive.† Where, he says, Moses does not direct, "that men believe the priests if they judge according to the law, but rather, that what the priests teach they shall regard as law—otherwise questions would be ever undecided." Again, in reply to an objection, that Pope Alexander had erred, in pronouncing a judgment that a certain civil law was contrary to the divine, and ought not to be enforced, Cano admits, that the judgment was uttered with pontifical authority, because enforced by an anathema, and contends that it was not erroneous. He notices that the command of the Pope was intended to abrogate the civil law in the territories of the church, and that it left secular princes free. But it is with the principles here laid down by Cano, that this part of the present work is concerned, and they are expressed in the following sentence.‡—"If the decrees of pontiffs, two things are to be distinguished; one is the intention and conclusion ~~of~~ the decree; another the reason or cause assigned. And in the conclusion, the pontiffs cannot err if they are deciding a question of faith from the apostolic tribunal."

When the book in which such passages as these are contained, is compared with the evidence of Doctor Doyle—the evidence expressing constitutional principles—the book, in which similar sentiments are expressed, avowing and advocating doctrines the most odious and intolerant, it is difficult to prevent the mind from reverting to those incidents of fiction or history in which a suspicious and crafty tyrant is represented as beguiling by insidious blandishments, some generous youth whom he has made the unconscious bearer of "the pernicious mandates—the messages of death." The real sentiments of the Roman Catholic bishop are contained in all their natural virulence, in

* Deuteronomy, c. 17, v. 12.

† Melchior Cano, De Ec Rom. Auc. p. 216. Salamanca, 1563.

‡ Ibid. 231.

Melchior Cano's ~~work~~ to which he has referred; and if the peers of England prefer the oral comments to the deliberate testimony, they may admire the liberality of Doctor Doyle, while he feels himself justified to his church, for having contrived an inoffensive mode of avowing her most objectionable doctrines. Melchior Cano's treatise is now little known; but if ever England or Ireland become so purified from heresy as to be worthy of it, there needs only to call that book forth from its obscurity, and Doctor Doyle may challenge the most intolerant bigot in his church, to express opinions more favourable to the papal claims, than those which he dared to avow before a committee of the British Parliament.

The doctrines advocated in Cano's treatise, are more in unison with the sentiments expressed in the letters of J. K. L. than with Doctor Doyle's parliamentary evidence. "Were I a Protestant," he says, "I would forego the highest dignity in the state, rather than make such a declaration. (*the denial of the Pope's supremacy*).—Whether a Pope ought or ought not to have spiritual authority in this realm, is a question which depends on that other, Whether he be or be not the head of the Catholic Church? for if he be, it is manifest, that wherever there are Catholics he must have jurisdiction over them." "How can a man declare that he has not jurisdiction in this realm, whereas his having it, and exercising it, is as notorious as the existence of the sun at noon. In what does power, authority, or jurisdiction consist? In this, simply, that he who possesses them can command some other, and punish him should he disobey. Thus, the King," &c. &c. This passage appears to contain a reasonable account of the writer's sentiments, but it is altogether at variance with those expressed in the evidence. According to Doctors Doyle and Murray, the Pope has no authority, because he has no power to punish. An unjust excommunication, they say, should not be regarded; Dr. Doyle declares he would not enforce it. Thus, the private judgment of a lay or clerical member may counteract the Pope's designs, and set his decrees at defiance,—and is this authority?—this poor shadow of power, which *recommends* punishment, but cannot enforce its execution? How is it possible to understand the evidence of Doctor Doyle, in any sense which can do him honor, when, by his own sworn testimony, he is convicted of making a declaration, which he had previously said the highest dignity in the empire could not induce him to express. The evidence is too clear on this point to admit a doubt. The Pope may issue an excommunication, but it will not be published, if the bishop to whom it is directed, think it unjust. A similar case may be supposed—A sheriff imagines the sen-

* Letters on the State of Ireland, by J. K. L. pp. 231, 232.

tence of a judge incorrect; and does he for this refuse to execute it? Let it be supposed, that he was legally entitled to refuse. What would this prove? It would prove that the sheriff had authority, and that it was the duty of the court merely to *advise*. Such is the duty or privilege which Doctor Doyle swears to be the Pope's; and such an oath, according to the letter of J. K. L. is a perjury to which no earthly station could bribe him.

So much for the uncertainty of doctrine in the Church of Rome with respect to the authority of its head, an uncertainty which enables the Roman Catholic bishops in Ireland to profess a resolution that they will exercise, without any controul, their own judgment; while at the same time they exact from their "subjects" an entire submission to the commands issuing from the Pope, as from the head of the church, the centre of Catholic unity, Christ's vicar on earth.

Authority of Councils.

THE uncertainty in which the doctrine respecting General Councils is placed, shall be next considered. The reader may recollect an opinion already expressed in evidence, founded on the principles according to which councils are assembled, and on a decree of the Council of Trent, that all national churches in communion with the Church of Rome are bound to acquiesce in the decisions of a general council. Doctor Doyle's evidence is contradictory to such an opinion, but it is equally in opposition to principles which he himself had previously avowed.

RIGHT REV. J. DOYLE, D. D.

By what authority are such decrees (*of the Council of Trent*) received in some parts of Ireland, and not in others?—The mode of receiving the council is this; the bishops of the province assemble, and deliberate whether the discipline enacted at Trent, would or would not be useful to their church. If they think it useful, they immediately publish a declaration, and cause it to be read by the parish priest in each chapel, and thus the decrees of discipline become published and have force. And if they think that such discipline of the Council of Trent will not be useful to their church, they separate and do nothing.

Lords,
Mar. 21, 1825.

The reader is requested to compare this answer with the two

following extracts, one indirectly and the other directly, affirming that whatever was sanctioned by a general council, ought to have the force of a law.

Vindication, &c.
by J. K. L.
1823.

p. 68.

p. 69.

"It was to check, as far as possible, such evils as I have here sketched, that a committee of the Council of Trent, in the 18th session, was appointed to consider and report to the council, of the books which were then in circulation, and what regulation ought to be adopted with regard to them. The report of the committee was not made till the last day of the last, or 25th session, and as the synod could not then discuss the subject of the report, they referred it to the Pope. The index, therefore, or list of books to be prohibited, with the rules annexed, *were not sanctioned by the Council of Trent*; * and that which was afterwards published, by the Pope, and which includes such translations of the sacred Scriptures as were not approved by the proper authority, has not the force of a church law, unless in those countries where it has been published and received." If the index, therefore, had been sanctioned by the council, the Church of Rome in Ireland was bound to receive it as a law. The other extract is of a more decisive nature.

Letters on
Education, by
J. K. L.
3d Edition.
Dublin, 1824,
p. 49.
p. 50.

"The error of the Quatodecimans our pious ancestors, according to Sir Richard Musgrave, was much like this (*of considering as necessary, rites which were declared indifferent by the church*); they might if any people could, be allowed to believe a little more or a little less, especially when they quoted in their favour, the name and authority of St. John the Evangelist; yet they had no alternative, after the Council of Nice, but to surrender their opinion and relinquish their practice, or take their station amongst the heathens. As Pope Stephen wrote on a question pretty much of similar import; Nil innovatur nisi quod traditum est;—they should abide by tradition, or become heretics."

It is certainly a difficult matter to reconcile these passages with the evidence of Doctor Doyle. Before the Committee of the House of Lords, he describes his church in Ireland, as perfectly independent, and not to be constrained by the Council of Trent to adopt on compulsion, any article of discipline; but, in his controversial writings, he appears influenced by a more dutiful spirit, and declares as a reason, why his church is not bound by the "Index," that this was not sanctioned by the Council of Trent, leaving it of course to be inferred, that if it had been so sanctioned, it would have become a law; while in the other passage, he intimates that the church which would not receive the discipline of Nice, respecting the time of cele-

* The italics of the "Vindication."

brating Easter (a discipline which was important only because it was enacted), was to consider itself excluded from the Catholic body, and to have its portion with heretics and heathens. But it is asserted in support of Doctor Doyle's sworn testimony, that his reasoning is authorized by facts; that not only had the Irish church a power to reject unprofitable discipline, but that it actually exercised the power, and, in one province, rejected the Trent discipline concerning marriage.

RIGHT REV. J. DOYLE, D.D.

THE French church never received the decrees of the Council of Trent, regarding discipline; and in a part of Ireland such decrees are received, in another part of Ireland such decrees are not received.

Lords,
Mar. 21, 1825.

REV. M. O'SULLIVAN.

WITH respect to the Roman Catholic church in Ireland, have they admitted, with reference to that very Council of Trent, the authority of all the decrees of the Council of Trent?—No, they have not.

Comm.
April 26, 1825.

Upon what ground is it, that they have, according to your view, rejected it?—I think their conduct has been inconsistent, and has been permitted only because it suited the Pope's convenience to be lenient. My position is, that by rejecting any portion of the Council of Trent, they are acting against the constant maxims of their church; but they may be permitted to do so, because it may be the policy of the Pope, to be lenient.

REV. T. COSTELLO.

WHAT is the law of your church with respect to marriage banns?—The law of the church by the Council of Trent is, that there shall be banns published three Sundays previous to the marriage, &c.; but there has been permission given to the bishops to dispense with that law.

Comm.
April 18, 1825.
Report, p. 425.
p. 426.

Whether some similar permission was obtained for refusing to receive any of the Trent decrees, has not been stated as evidence; but it cannot have escaped the reader's notice, that when Doctor Doyle was asked, on what authority he grounded

the *right* of rejection, his answer was so framed as to give an account only of the *mode*, and to exclude altogether any reference to *authority*.

As a further specimen of the authority which the Roman Catholic bishops in Ireland claim to themselves, in sanctioning and interpreting the decrees of councils, the Editor subjoins the following extracts:—

RIGHT REV. J. DOYLE, D. D.

Appendix to
Report of Com-
missioners of
Education,
p. 794.

Is the third Lateran council supposed to be one of the general councils of the Roman Catholic church?—Yes.

Are the commissioners misinformed, or in error, in supposing that in the 27th chapter of that council, there is the following passage:—"That all those who are any way bound to heretics should consider themselves absolved from all fidelity and obedience due to them, so long as they persist in their iniquity?"—Taken in that isolated shape, I believe it might be found in the decrees of the councils to which reference has been made; but it should be understood with reference to the general context, and the history of the council itself should also be read, in order to understand that passage rightly; at that period, and at some periods antecedent and subsequent to it, there were heresies broached in different parts of Europe, and councils were held for the purpose of suppressing them; those councils, or several of them, were held not for the sole purpose of suppressing the heresy, but also for the purpose of enacting laws for the temporal and spiritual concerns of those kingdoms, who sent there their bishops and their ambassadors or orators, so that those councils, and that one of Lateran by name, might be styled a sort of congress of the European powers, as well as a council of bishops; it was agreed by the potentates forming that council, that certain petty princes, who maintained or supported heretics within their petty states, should be put, as it were under the ban of the empire, as having forfeited their right to their fiefs; so that opinion, or vote or decree, might be

p. 794.

understood as relating to the subjects of those petty princes, who, by countenancing a practice contrary to the laws of the church and the state, should on that account lose their fiefs, and that their subjects should no longer pay them obedience, but pay it to the lord paramount, or if they had no lord paramount, pay it to the emperor; thus when a decree says, that fidelity is not to be observed towards the persons of heretics, it is to be understood in this way; namely, that those persons, by the general consent of the potentates, that is, the temporal and ecclesiastical powers, and by the laws of the empire, had forfeited their right to their principalities or possessions: such were the institutions of those times.

Does it not appear to you, that the words, “that all those who are in any way bound to heretics,” are rather of a more comprehensive signification than confined to emperors or fiefs?—I believe the words quoted are to be understood of leagues or treaties, or things of that kind, entered into between each other by the little states who revolted against the larger, or against the church; and in such cases we ought never to forget, that the laws of the church were at the same time laws of the state, and that those persons who, previous to the holding of that council, had broached the heresy, had thereby also violated the law of the land. In England the Gospel is part of the law of the land, and the man who abuses it is liable to be prosecuted at our tribunals; so in Spain, which received the discipline of the Council of Trent, a man who violated it might be punished by the lay tribunals.

Do you not think that a Protestant might be excused for a misunderstanding of this passage?

I think if he was unacquainted with the history of those times, and read that single isolated passage, he could hardly come to a right conclusion.

You consider the word heretic, in the passage just

read to you, (from the 4th Lateran council) as exclusively confined to the Albigenses ?

I believe it referred to the Albigenses.

p. 796.

Is it your opinion that those decrees, historically speaking, were never considered as laws in the church, subsequent to the particular occasion of the Albigenses, to which they alluded ?

I consider them no more than precedents, which might be followed if governments existed such as then did, and circumstances arose precisely similar to those which occasioned their enactment.

With respect to the nature of the obnoxious declaration, it is affirmed in the course of the same examination of Roman Catholic bishops and archbishops, before the Commissioners of Education Inquiry, that—

“ It appears to be a matter of policy mixed with faith ; I do not know what the heresies were, or what the nature of the decree or vote was, to which allusion is made.”

In another part of the examination, after various decrees had been cited from the Lateran councils, which did not seem to admit of easy and favourable explanation, an answer is found, by which, contrary to the answer first given, the authority of the councils appears to be disowned.

Appendix to
Report of Com-
missioners of
Education, &c.
Right Rev.
O’Kelly.

“ The passages which have been cited from the councils of Lateran, have not been addressed to the universal church as articles of faith ; those councils did not require the universal church to accept of those doctrines as articles of faith ; others did not enjoin them, it was a mere matter of regulation, and neither addressed to the universal church, nor was the doctrine contained in these passages ever accepted by the universal church ; therefore I do not consider the matter referred to as the decision of a general council.”

These extracts will serve to give some idea of the manner in which the Roman Catholic bishops in Ireland exercise authority over the councils which they profess to receive, and by which

they declare that their conduct in matters of faith is governed. A certain decree of the council of Lateran is to be received in the sense in which Doctor Doyle explains it; and according to his interpretation,

1.—The word “heretics” in the decree, means “Albigenses.”
 2.—The words “anywise bound,” mean “leagues or treaties, or things of that kind, entered into between each other, by petty states.”

3.—The same words also imply the obligations by which the subjects of these petty princes, were bound to obey their lords.

4.—But they do not mean the obligations by which the subjects of the emperor, or of great kings, were bound.

5.—The declaration that all persons bound to heretics in any wise, were to consider themselves absolved from fidelity and obedience, did not mean “all,” but those only who were the subjects of petty princes.

Such are the limitations which the Roman Catholic bishops in Ireland, of their own authority, prescribe to the decree of a general council; but even with all these limitations, the dishonour which the decree brings with it, cannot be evaded. Admitting the correctness of Doctor Doyle’s historical statements, the conclusion could only be at most, that the council were justified in commanding war to be waged against the Albigenses and those who abetted them in their alleged iniquity; but this could not justify the abominable endeavour to sear the consciences of men, and to set aside the laws of nature and of God. The subjects of these petty princes, especially of those who had no lord paramount, did not promise to their rulers an allegiance, which was to depend on their religious opinions; they did not swear that they would obey them, so long only as *they* obeyed the church. Their allegiance was, as that of the Roman Catholic gentry of Ireland, unconditionally and entirely given; and this allegiance, they were taught to understand, by the decree of a general council, they might without a crime withdraw. This is the feature of the proceedings of the council which the explanations of Doctor Doyle have left in its undisguised deformity; they have suffered it to remain a stigma on the council and the church, more detestable and disgusting than even the abominations attributed to the victims of that church’s intolerance; and it is a very extraordinary circumstance, that, in endeavouring to remove a most foul imputation from the system which he supports, Doctor Doyle should have confined himself to an explanation of the state of things which may have palliated the enormity of war or persecution, and have left unanswered the great charge; namely, that a council, professing to be guided by the Holy Spirit, commanded all those who received

its authority, to disregard the suggestions of conscience and the law of God, and to violate their strictest and most solemn engagements.

Beside, however, the explanation which the Roman Catholic bishops in Ireland think themselves authorized to give of the canons of councils, they claim also another power, that of, on their own private judgment, rejecting them. Thus, of the decrees here considered, they say, that "their subjects" are at liberty to reject them, inasmuch as they were not addressed to the universal church; and in another place they say, inasmuch as they were not "definitions," yet they require of their people a profession of believing not only the "definitions," but also the "declarations," of general councils; and, in that profession, not a word is inserted, of ascertaining what decrees were addressed to the entire church, and what were to have only a particular application; the profession is, to receive without any doubt all things delivered, declared, and defined, in the general councils and in the sacred canons; yet, of a declaration in a matter concerning faith, made in a council acknowledged to be general, Doctor Doyle affirms, that those who have sworn to receive all such declarations, are permitted—he does not say commanded—to disbelieve it.

One other instance the Editor thinks it proper to give of the seeming discrepancy between the councils of the Roman Catholic church and the interpretations which bishops in Ireland affix to them.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Lords.
Report, p. 749.

THE Council of Constance declares, that no safe conduct given "by an emperor, kings, or other secular princes, to heretics or persons accused of heresy, is to avail, if the heretic refuse to retract his errors."

REV. M. O'SULLIVAN.

Comm.
26 April, 1825.
p. 474.

Do you believe that it is a doctrine of the Roman Catholic church, that faith is not to be kept with heretics?

Here again I wish to take a distinction between what Roman Catholics, as individuals, believe, and what the Roman Catholic church pronounces. My impression is, that that doctrine is fully declared and defined in the Council of Constance.

The doctrine, that Roman Catholics are not bound to keep faith with heretics?

Yes. When John Huss was accused of his erroneous doctrines, as they were called,* he refused to appear before the Pope personally, but sent a proctor to plead his cause. I cannot take upon me at this moment to say, whether he was condemned at any private hearing of the charges against him; but, however this may be, the Pope, soon after the charges were preferred, summoned a council, and Sigismund gave to Huss a safe conduct,† directing that he should be safely escorted to this council; that he should be safe while he remained there, and safe while he returned; and that he should be treated with all manner of respect and attention by all the Emperor's subjects and allies. When Huss appeared at the council he was imprisoned; the nobles

Comm.
26 April 1825.
p. 473.

* The principal charge against Huss was, that his disciples required, that the laity as well as the priesthood should receive the communion in both kinds. Dubravius says, "that this article respecting the cup weighed heavily upon him, and accelerated his condemnation;" and Pope Martin, in his sentence, approves of the condemnation of Huss, "who amongst other errors believed of the sacrament of the Eucharist and the other sacraments, otherwise than as the Church teaches." His error respecting the other sacraments may be inferred from one of his propositions which was condemned. It was, "Those who define that children of the faithful dying without sacramental baptism cannot be saved, are, in this, unwise and presumptuous." Labbe & Coss.—Upon the whole of the proceedings relative to the trial of Huss, nothing is more apparent, than that he was condemned, not so much because of his other opinions, as because he did not yield a servile obedience to the despotism of the church, and because he insisted on holiness of life as more important than outward observances. He appears, however, to have entertained some of the superstitious notions of the church of Rome, and if he had but conformed his life to the habits of the times, his doctrines might have easily escaped censure.

† Sigismund calls Huss "the honourable master;" declares, "that he takes him to the protection of himself and of the sacred empire; directs, that he shall be safely escorted, and amply accommodated with all necessities, and shall every where be permitted to pass, to remain, and to return—" *transire—stare—morari et redire.*"—*Historia & Monumenta*, &c. page 2.

of Bohemia (and Poland, I believe,) remonstrated with the council, requiring that Huss should be set free, and appealing to the safe conduct given by Sigismund, as a means of enforcing their request. The council replied through the patriarch of Alexandria, that the arguments urged by the Polish nobles were futile; and that had there been more safe conducts than one given, they were of no avail, because faith was not to be kept with Huss.* After some time Sigismund himself† was called upon to pronounce sentence of death against Huss; and whether it was to silence the public voice against the Emperor, or to quiet scruples which he may himself have felt, the council, in the 19th session, passed a decree, that if any prince or potentate had granted a safe conduct to heretics, and confirmed it by an oath, the oath was not to be considered binding, if the heretic obstinately refused to renounce his errors.

RIGHT REV. DR. MURRAY.

Comm.
17 May 1825,
Report, p. 659.

ROMAN Catholics swear that they do not admit the doctrine, that faith is not to be kept with heretics; did not the Council of Constance, in the 19th session of it, decree that if any prince or potentate had granted a safe conduct to heretics, and confirmed it by an oath, the oath was not to be considered binding, if the heretic obstinately refused to renounce his errors?

That passage has been very much misinterpreted; the argument derived from it has been answered so often, and so triumphantly, that I can hardly suppose that any one who has the common sources of information open before him, can now be sincere in drawing an argument from it, in proof that Roman Catholics do

* *Vide Historia & Monumenta, &c.*

† "On all which Henricus de Piro demanded approbation and execution; and it was answered by the aforesaid lords of all nations, and by the Lord President, and by the *King of the Romans*, "Placet."—Labbe & Coss. vol. 12.

not consider themselves bound by their oaths and engagements with persons differing from them in religion, in the same manner as they would if those oaths and engagements were taken to one another; indeed in all the occurrences of private, or even public life, we find proofs that such an idea is not in reality now entertained by even our severest opponents. We find that our Protestant monarch enters into treaties of alliance with the Catholic sovereigns of Portugal and France, and dreads as little the violation of them, as if they were formed with our Protestant ally of Prussia. We find, that in the transactions of business, no one doubts the sincerity of Catholics entering into engagements with their Protestant neighbours; and even in courts of justice, where life and liberty are at stake, we find that the oaths of Catholics taken to Protestant judges, and in Protestant courts, are considered sufficiently valid to decide upon those important objects. But I think there is still another unanswerable proof* that we do consider such oaths as strictly binding, because it is only the respect that we feel for oaths of that kind, that prevents Catholics from enjoying the highest offices of the state, from which they are now excluded, and from taking their seats in those houses of Parliament, at the doors of which they are now supplicating for admission. With regard to the council itself, from which this argument is derived, there is no general† principle there esta-

* This proof shall be considered in its proper place. The reader will please to recollect, that in the answer given by Mr. O'Sullivan, he distinguishes between the opinions of the Roman Catholics and the principles of their church; and it should also be kept in mind, that an engagement is, according to these principles, to be disregarded, not because made to a heretic, but when prejudicial to the church.

† The decree of the council is given in this chapter. It is sufficient here to remind the reader, that so far is it from being confined to the particular case in which it originated, that it speaks of safe conducts given by any king, emperor, or secular

blished; it refers to the particular case of John Huss. I need not inform this Committee, that John Huss taught doctrines very pernicious to society, which the civil laws, as well as the laws of religion, condemned.*

prince, to (not the heretic John Huss, but in the plural number to) any heretics or persons reputed such.

* Doctor Murray seems to have been mistaken here, and to have attributed to Huss the doctrines which divines of the Church of Rome advanced, in their preaching against Henry the IVth of France. See De Marteliere against the Jesuits; see also Bellarmine's *Franciscus Romulus*, the *Amphitheatrum Honoris*, &c. &c. It is true, that the charge which Doctor Murray urges against Huss was advanced on his trial, but the sense in which he held his doctrine, "that persons in mortal sin were not '*Rulers before God*,'" was more likely to make his followers preach to their sovereigns, than rebel against them. The council do not appear to have laid any great stress upon this doctrine, but seem to have been fired with a very noble indignation in condemning another heresy of which Huss was convicted, namely, "that ecclesiastics of bad life can and ought to be coerced by lay powers—by withdrawing their tithes and other temporal emoluments." Of this proposition the council observes, that it is "an error most pernicious and scandalous, inducing seculars to perpetrate sacrilege, and subjecting the *liberty of the Church*."—*Hist. & Mon.* p. 30. Another charge against Huss, and one which weighed heavily against him, Doctors Murray and Doyle appear to have altogether forgotten. It was, that he dared to preach after inhibition by the Pope, and that he had expressed the following sentiment: "A priest of Christ, living according to his law, and having power to edify the people, ought to preach, notwithstanding a pretended excommunication. If a Pope or any prelate command a priest so disposed not to preach, the subject (*subditus*) ought not to obey." These opinions the council condemned, not as the proposition of Quesnell was censured, in a sense different from that of the terms, but in the precise import of the words. Huss explained the subjects upon which he thought it right to preach, and the council did not pronounce them heretical; he also explained what he meant by the word "*pratensa*," "unjust," "unfounded;" and, nevertheless, the proposition was condemned, and the cardinal who acted as notary replied, "Yet it is the law, that an unjust excommunication should be feared."—*Hist. & Mon.* p. 30. Labbe & Coss. 12. p. 130.

These were heresies which were regarded in a much more heinous light than the sentiments entertained by Huss, with respect to secular princes.

He was cited to appear before the Council of Constance, to give an account of those errors; and the king of Bohemia requested the emperor Sigismund to give him a safe conduct (as it was called) to go to the council, that he might there stand his trial. He himself declared that he was quite ready to prove that he was misrepresented, and that he did not maintain any error whatever, which the laws of the land, or of religion, condemned. In consequence of this application the Emperor gave him a safe conduct to and from the council; which safe conduct, on being examined, proves to be nothing more than a mere travelling passport,* such as is now given so commonly upon the continent, to protect the individual possessing it from interruption on the way; and which was particularly necessary in the case of John Huss, who had a number of enemies between Prague and Constance,† the road which he was to travel to appear before the council; he not only did not fulfil his promise to clear himself of the imputation of heresy, but he even renewed the promulgation of his errors there. The council declared that those errors were contrary to the Catholic faith, and called upon him to renounce them; and on his refusing so to do, they convicted him as an obdurate heretic, and then declared

Comm.
17 May 1825.
p. 660.

* It directed that he should be conducted in safety to Constance; that he should remain there and return thence in safety. That this safe conduct, though given by the Emperor, was in reality ordered by the council itself, the following extract will prove:—"Huss, although when cited to Rome he refused to go, yet relying on the public faith pledged by the council, he came to Constance" (*fide tamen publicâ a concilio acceptâ*).—Dubravius Bishop of Olmutz.—Thus the council itself appears pledged, either to the safe conduct or to some other assurance.

† When Huss asserted, that he would have been protected by the Bohemian nobles, the Count de Chlum, with whom he travelled to Constance, said, "He speaks the truth; I am myself but a soldier, and I would undertake to defend him for a year in my poor castle against all the forces that could assail me."

they had no farther power over him, but delivered him to the civil power, to be dealt with according to the civil law of the country.* Unfortunately the same statute which then disgraced the law books of England, was in force in Constance, and according to that law he suffered death. There was an outcry afterwards raised against the Emperor Sigismund for not having insisted on the protection which some people ventured to say, his safe conduct implied; and it was then declared by the council, that there was no violation of faith in this case, even by whatever tie the person giving that passport might bind himself; because he had done all that was in his power, that is, he had given the passport to protect the individual from insult and personal danger on his way to the place of trial, where of course he should be dealt with according to the civil law of the country; and should he be acquitted, to afford him the same protection on his return. But Constance was a free city, over the laws of which the Emperor Sigismund could not be supposed to have controul. He was not, therefore, accountable for not having stopped, in a state not belonging to him, the ordinary course of justice, in order to save the life of Huss; for this never could have been the intention of

* The 14th proposition of Huss, which was condemned, was the following:—"Doctors affirming that a man to be corrected by church discipline, if he will not reform, is to be delivered over to the secular power, follow in this the Scribes and Pharisees, who delivered Christ himself to secular judgment, saying, "It is not lawful for us to put any man to death." Labbe and Coss, vol. 12.—That the delivering up to the civil law was only a form, and was regarded merely as such, the following extracts will make manifest:—"Sentence was passed in the assembly of the fathers, against these obstinate men (*Huss and Jerome of Prague*), that they should be burned. (*Aeneas Sylvius*, p. 143.)—"The chiefs of the council in full assembly passed sentence against these obstinate men, that they should be burned with fire."—Vicolomini, 209.

the passport. The council therefore only meant to declare, that the promise of protection given to John Huss was not violated, because the Emperor had done what was in his power.

What were those offences against civil government, of which John Huss was guilty; to which you have alluded?

The promulgation of his doctrine, that grace was the foundation of power; and that "a king in a state of mortal sin, is not kingworthy before the Lord," according to the expression of Samuel to Saul, "because thou hast rejected my name, the Lord hath also rejected thee; look on thyself no longer as king."

The evidence of Doctor Murray, with respect to the Council of Constance, is perhaps not less important than any which was delivered by the Irish Roman Catholic bishops, during the entire Parliamentary Inquiry, in the course of which it was given. It is important, for two reasons; first, because it establishes the position, that the church of Rome in Ireland adopts the decree of the Council of Constance, "*Quod non obstantibus*;" and in the second place, because according to Doctor Murray's statements, that decree was not forced from the council by any extraordinary emergency, and in consequence, may be regarded as regulated by the principles, and manifesting the spirit of the church of Rome, when power waits upon its will. It is remarkable, that De Sales, in his conference with Beza, refuses to have his church considered responsible for the objectionable decree; concluding his arguments respecting the council, by observing, "that in short, whatever opinion may be formed of the conduct of the council, its example is no law in the church.*" Doctor Murray, however, does not deny, that the decree *Quod non obstantibus* is in force; he endeavours to prove that it was a decree which no particular emergency required, and therefore, if his explanation of the form in which it was expressed be found to be in opposition to common sense and to propriety of language, it will follow, that in the same proportion as he has succeeded in blackening the character of Huss, and in vindicating the conduct of Sigismund, he has been successful also in showing that the perfidy

* A Justification of the Tenets of the Roman Catholic Church, by Dr. James Butler, Appendix, p. 49.

inculcated by the council was a gratuitous exercise of the authority of the church of Rome, and an unequivocal manifestation of the principles by which she is governed.

According to Doctor Murray's statement, the Council of Constance was altogether unconcerned in the transactions which took place between Sigismund and John Huss; it was also free from the odium of that heretic's death; it was therefore in no degree called upon to sanction the conduct of the Emperor, or pronounce an opinion on the severity exercised by the free city. Moreover, a regard for the reputation of Sigismund could not have had an undue influence, because his reputation was unsullied; he had merely granted a travelling passport, and what he promised he had performed. No safe conduct was violated. Constance was a free city, over whose laws Sigismund had no control, and whose laws he had not promised to control. John Huss, therefore, expected protection no farther than on his way to that free city; for so much he was indebted to the favour of the Emperor, and any thing further he had not been taught to expect. According to Doctor Murray, the affair of Huss was simply this; he was accused of promulgating pernicious opinions, and wished to prove his innocence before the Council of Constance; Sigismund granted him a travelling passport to that town, but promised him no further protection; he was tried, convicted, and punished according to the laws of a free town, laws which he must have previously known, and to which by his voluntary appearance in the town, he submitted his person and his cause. Such were the circumstances of the case; Sigismund was innocent, and Huss was rightfully put to death. But afterwards, Doctor Murray goes on to say, an outcry was raised against Sigismund for not enforcing the observation of his safe conduct, and then the council declared that there was no safe conduct violated. The reader may expect to find in the declaration alluded to, the same line of argument by which Doctor Murray defends the fame of Sigismund—an assertion of the rights of a free town, such as the Emperor could not invade;—an assurance that no safe conduct had been given, and that there had been no breach of faith. If such were the nature of the declarations, there can be no doubt but that all men would admit the truth of the assertion, that the decree has been much misinterpreted. But so very unlike the statements advanced by Doctor Murray are those contained in the decree, that it is impossible to read that document in the light thrown upon it by the Most Reverend Doctor's testimony, without feeling convinced, that the council regarded Sigismund as guilty of a breach of faith, and justified his conduct on the ground that he had acted in accordance with the principles of his church. The reader may judge.

Doctor Murray states, that an outcry was raised against the Emperor Sigismund, accusing him of a breach of faith, and that, to silence that popular clamour, the council passed a certain decree. Let the reader judge, whether this decree acquits the Emperor of the charge made against him, or acknowledges that he had violated his plighted faith, and declares that the church then and for ever required and enjoined such a violation.

“ THAT notwithstanding the safe conduct of emperor, kings, &c. inquiry concerning heresy may be made by the competent judge.

Lords,
Report, p. 748.
His Grace the
Archbishop of
Dublin.

“ The present holy synod declares, that (from any safe conduct granted in a hope of reclaiming them from error, to heretics or persons reputed such, by emperor, kings and other secular princes, whatever the obligation may be by which they have bound themselves) no prejudice can or ought to arise or obstruction be offered to the Catholic faith and ecclesiastical jurisdiction, so as that it may not be lawful, notwithstanding the said safe conduct, for the competent and ecclesiastical judge to inquire concerning the errors of persons of this kind (*de hujusmodi personarum erroribus*) and duly to proceed against them, and to punish them as justice shall require, if they obstinately refuse to renounce their errors, although they may have come to the place of judgment relying on a safe conduct, and otherwise would not have come; and it is declared, that he, who has thus promised, having done what was in his power (*cum fecerit quod in ipso est*) remains in no respect bound by this obligation *.”

When it is considered that this decree was, as Doctor Murray states, passed in consequence of an outcry of the people raised against Sigismund, on the ground that he had broken his faith, it will, in all probability, be concluded, that the decree is to be regarded, not as denying, but as acknowledging and justifying the conduct which was imputed to the Emperor. Indeed, the

* Lobbe and Coss. Vol. 12, p. 161.

defence set up for Sigismund by earlier writers, is very different from that which is now advanced. It was formerly said, not that the laws of a free city were opposed to him, but that he could not control the proceedings of a council; it was said, that a political prince "should respect the faith he had pledged, as far as ought to be observed in himself, although he could not compel the ecclesiastical power to that, since it was beyond his jurisdiction."* "If the Emperor Sigismund, in his safe conduct to Huss, did not observe the caution (of making the promise of protection conditional), yet the council declared that no otherwise should a conduct be given to heretics; for what man can be esteemed so great, that more should be conceded to him on the public assurance of a prince, than justice and the interests of the orthodox faith may permit."—"The king was not greater than God, or than faith, or than justice, or than a council."—"It should not therefore be imputed to this most pious and religious prince, if the council, which was above a king, as justice exacted, pronounced sentence, according to the established laws, against a stubborn heretic."†

The Editor should not forget to mention, that Cochläus takes notice of an opinion, that the safe conduct granted to Huss was accompanied by certain conditions; but, however, he is careful to rest his defence on other grounds, namely, that Sigismund was inferior, and must be obedient to a general council. Thus, from reading the decree itself, and the writings of men nearly contemporaneous and of high repute in the church of Rome, (one of them a Pope), a far different conclusion would be formed from that to which the evidence of Doctor Murray leads. From Dubravius we might infer, that Sigismund was only the instrument through which the council deceived Huss by an inefficient safe conduct; from the proceedings of the council we learn, that the great crime of Huss was, that he refused to pay a servile obedience to the orders of his church: from Æneas Sylvius we learn, that sentence was passed, if not formally, really in the council; from the testimony of Doctor Murray respecting the outcry of the people, we learn what were the sentiments of the public, and what indeed was the voice of nature, respecting the conduct of the Emperor; and from the decree of the council, and the writings of Cochläus and many others, we may learn, how that conduct is to be regarded with reference to the principles avowed and acted upon by the Church of Rome.

Will the Roman Catholics of Ireland submit to the dishonour which is thus visited upon them? their bishops have sworn that

* Spondanus, 14, 15—45.

† Cochläus, pp. 72—88—81.

they receive the creed of Pius the Fourth, according to which they promise that they receive all things declared in the general councils; Doctor Murray admits that the Council of Constance was general, and he receives the declaration "Quod non obstantibus." It is to be recollected that it is not the *conduct* of the council on which now judgement is to be passed; in condemning Huss they may have been guilty or innocent; but Roman Catholics profess that they receive without any doubt, what the Council of Constance has declared; and one thing declared is, "that faith is not to be kept with heretics to the prejudice of the church." This was declared by the members of that council, when, according to Doctor Murray, no necessity could be pleaded to palliate their conduct. It was a gratuitous assertion of the privileges of the church of Rome; an intimation that the laws of God and the principles of Christianity, were not to be regarded if they opposed the interests of the church; and Roman Catholics must feel, that if, in their creeds, they swear that they will respect this declaration, little reliance can be placed upon their truth, when, in their promises and oaths of allegiance, they swear that they will disregard it.

The reader has now seen proofs of the obscurity and uncertainty in which the Irish Roman Catholic bishops suffer the authority of Popes and Councils to remain. In the following pages, he will find the same uncertainty with respect to the formularies of doctrine, the Catechisms, the Bible, and also, with respect to the "books prohibited."

Catechisms.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Does the catechism (*in use among the Roman Catholics*) teach two sets of commandments?—It does; one class, the commandments of God, the other class, the commandments of the church. The catechism proceeds regularly through the commandments of the church, after it has gone through the commandments of God. It says there are six commandments of the church, and they are these: The first, "to hear mass on Sundays and holidays;" the second, "to fast and abstain on the days commanded;" the third, "to confess our sins at least once a year;" the fourth, "to receive the blessed sacrament at Easter, or thereabout;"

Lords,
May 13, 1825.
Report, p. 789.

the fifth, "to pay tithe to our pastors;" and the sixth, "not to solemnize marriage within forbidden times or forbidden degrees of kindred." I find also in the catechism, in what is called an "Act of Faith," that that which is required in the Council of Trent is also embodied here, even for the youngest: "I believe these and all other truths which the Holy Roman Catholic church proposes to our belief, because it is Thou, my God, who hast revealed them, and Thou art truth itself, Thou neither canst deceive or be deceived. In this faith I desire to live, and in the same, by Thy holy grace, I am most firmly resolved to die." I do not think there is any thing farther worth noticing; the general course of the Roman Catholic belief runs through the whole.

RIGHT REV. J. DOYLE, D. D.

Comm.
18 March 1825.
Report, p. 221.

Is it not one of the commandments of the church to pay tithe to our pastor?

That is a command of the church, which is found written in catechisms published where tithes were paid; but where tithes are not paid, the command in the catechism signifies, or is, "contribute to the support of your pastor."

It was modified into those words in the year 1817, but the other is reprinted in the recent editions of the Douay catechisms?

I have not a controul over printers*.

Are not they (*the commandments of the church*) enforced under pain of mortal sin?

The commandments of the church are enforced under pain of mortal sin, such of them as are capable of binding a man's conscience by virtue of the law of God, on which they are founded; but, for instance, that "contribute to the support of your pastors," does not bind every man under pain of mortal sin, for we

* The answer of Doctor Doyle is given in full in another part of this work.

discharge all the duties of our office towards the members of our church, without receiving any compensation at all from a great number of them ; and they are bound to contribute to our support only in proportion to their means. Thus then we are to understand those commands of the church, as being applications as it were of the law of God, binding us in such degree as we ourselves can plainly infer from that law of nature or of God, from which those commandments of the church are derived.

In an abstract of the Douay catechism, now before the Committee, there are no exceptions stated ; are not the members of the Catholic church bound under mortal sin, to keep those commandments of the Catholic church ?

I can give no further explanation of what I stated as the exposition of that commandment, which exposition common sense and reason dictate, and there is no person can understand it otherwise ; for surely a poor man, who does not contribute any thing to the support of his pastor, cannot conceive himself as guilty of mortal sin, whereas he is neither desired to do it, nor permitted to do it, nor required to do it ; but the commandment of going to communion, at least once a year, he understands as binding him, under pain of mortal sin, for the reasons already stated ; so these are matters which I should hope would not lead any rational person into error.

This is a valuable privilege conceded to " his subjects " by Doctor Doyle. In the same manner as the episcopacy and clergy in Ireland may reject a decree of the universal church in council assembled, so may the laity refuse to obey any commandments of their church, unless they be in perfect accordance with the commandments of God. The simple act of disobeying the church, does not occasion or increase guilt ; it is criminal to act in a manner forbidden by God, but if only a commandment of the church is violated, no stain of sin is contracted. Such is the doctrine which may be learned from Doctor Doyle as a witness ; a doctrine altogether at variance with what a person of ordinary understanding would collect

from the formularies of the Roman Catholic church. But what appears most worthy of remark in the present instance is, that the evidence of Doctor Doyle is equally (or at least seems equally) in opposition to his own written and published account of his practice and opinions. In the evidence, he states that each individual will examine the commandments of the church, without paying any unwarranted respect to ecclesiastical authority, and only considering whether the precepts are ordained by God. Some of these commandments are so ordained, and to such he will submit himself; some of them he cannot trace to so high a source, and these he will reject, because he is not to suppose that the church has any such power as may bind him to an observance, with respect to which the law of God leaves him free.

This language is in itself very intelligible. It asserts the majesty of the divine law, and acknowledges that, wherever a church substitutes its own figments for heavenly ordinances, it ought to be neglected. It acknowledges the right and duty of man, who is responsible for his own actions, to examine by the light which God has given him, the law which God has ordained, and to be careful, that no institution upon earth shall be permitted to disturb within him the awful idea, that it is by the divine law he is to be judged, and that therefore that law should be his study. This could be very easily understood, but how then are the passages following to be explained:—

“ We remind the people whom Providence has committed to our care, that the bishops are appointed by the Holy Ghost to rule the church of God, that they are sent to baptize even as Christ was sent by His Father;” “ We convince them of the necessity of a reasonable obedience to those who watch for them, so as to give God an account of their souls, repeating often, that he who hears them hears Christ, and that he who despises them despises Christ and the Father who sent him.” “ It is manifest that the religion of Christ was not founded on the exercise of that reason, which must be reduced to the captivity of obedience even before it could be enlightened.” “ If so, why should it be now made to stand on any other foundation, or why should any person, even the most wise, undertake to judge of it by that wisdom and reason

which it so emphatically rejects?" "There must be some means whereby men can come to the knowledge of the truth and believe, besides that which is so expressly excluded. This seems to us to be no other than a continuation of the authority of Christ committed to his church*.

Is it to be believed, that in Doctor Doyle's mind, the language of the Vindication and the evidence before the Parliamentary Committee have the same meaning; and if they have, how is it possible for people of plainer sense to put faith in his asseverations? Supposing that what he states is the truth, how may persons of ordinary intellect comprehend his meaning? His evidence states, that the commands of the church to which he belongs are to be examined by the light of reason, and for themselves obeyed or rejected; his writings intimate, that when the church speaks, reason is to be silent; that that obedience alone is reasonable which is yielded not to its wisdom but to its authority; that its commands are to be heard as though they were delivered by Christ himself, and that he who resists, in the minutest point, is to have his portion with the heathen. In a word, before the Parliamentary Committees, Doctor Doyle declares, that his church governs by reason, and will have those only to obey whom she can persuade. In his political and controversial writings, he affirms that she governs by authority, and that all must obey, and that none shall scrutinize her claims or her commands by the faculty of reason; a faculty to which she does not appeal in asserting her dominion, and which she commands to be silent and inactive wherever her supremacy is established. If these declarations bear the same meaning, it is indeed a matter of no little difficulty to understand the language of the church of Rome; and it may be said, that it is not in her formularies of prayer alone she ministers in an unknown tongue. The exposure of those seeming inconsistencies in the statements of Doctor Doyle, is, however, not yet complete; it must be shown, that these apparent discrepancies are to be found not only by comparing his evidence with his politics, but that they are also to be discovered on comparing his evidence with the principles by which, as he asserts, his conduct as a bishop is governed.

* Vindication," by J. K. L. p. 73.

RIGHT REV. J. DOYLE, D. D.

Lords,
Mar. 21, 1825.

HAVE you in any instances allowed the circulation of the Bible among the laity, without notes?—I do not know that we have.

It appears by this address, that you direct that all religious tracts, circulated by certain societies, shall be restored to their owners or destroyed, except Bibles and Testaments, which you direct to be given to the parish priest. Supposing that direction disobeyed, what are the consequences to those who may disobey them. Are they visited with any consequences?—Really I do not know that they are. I do not think we ever inquired into the disobedience or non-observance of what is there enjoined; for we are confident the people will do what we recommend to them in religious matters, and having promulgated what we think it their duty to perform, we leave the matter there.

Have you heard, or have you any knowledge, that the sacraments of the church have been refused to those who have been in possession of such books and have not delivered them up in consequence of the admonition?—I have not heard of any such thing: before your lordships and before God, I never did.

Could it have been done in any part of Ireland and you not know it?—I think it might; and I am quite assured there are, among our clergy, persons of so warm and heated feelings, as to do precisely what has been mentioned; but I have stated before, that I do not know of its having been done; that it might have been done I am quite sure, considering the character of some of our young clergymen and old ones too. We have got enthusiasts in all churches.

You would not think it a necessary part of Roman Catholic discipline, that the sacraments of the church should be refused for disobedience to such an order?—

Oh no ! it is not a matter of that moment ; it is a serious thing to refuse the sacraments.

Or that they should be subject to penances ?—No ; it is a matter of quiet expostulation, not reduced to any thing like trial or punishment.

Would the priest so refusing the sacrament be subject to ecclesiastical censure, if his conduct were known ?—Supposing there were a priest, who required a Catholic parishioner to give up those books, if the Catholic parishioner retained them, approving thereby of the doctrine contained in them, we would not subject a priest to any penalty for withholding sacraments from that man, for it would appear that he was adopting that doctrine and separating himself from us ; but if the priest required a man to give up those books, and the man said, I will not, because I find some passages which are amusing or some instructive, or my landlord gave them to me, and I will not go back with them ; if the priest refused sacraments to a man acting thus, we would reprimand the priest and leave the man in peace.

Here Doctor Doyle states, that, with respect to Bibles, Testaments, and tracts written against the doctrines of the church of Rome, that church has issued an order, which it is expected that the laity will obey ; but if they disobey, and read only for the purpose of amusement or instruction, they are not to be punished. He would himself, he says, not refuse, in such a case, to administer the sacraments, and he would punish the clergyman who was convicted of having refused them. This opinion was expressed on the 21st of March, and was given on oath. On the 14th of April following, Doctor Doyle was sworn to give true answers to the questions of the Commissioners of Education, and was examined, as it would appear, in the presence of other Roman Catholic bishops. The following were among his answers :—

Would you allow any of the peasantry of Ireland, who might persevere in reading the Bible in the authorized version, after having been prohibited by your clergy, to be received to the sacrament ?—Certainly I would not.

Appendix to
Commissioners
of Education,
Report, p. 786.

You would consider them as, in effect, being guilty of contemptuous disobedience to your church?—Certainly.

Perhaps it might be said, that the penalty here declared would be inflicted only on parents who sinned against their own souls, in sending their children to a school of which they disapproved; but it does not appear that any such case is in Doctor Doyle's contemplation. The parent sins, not because he sends his child to a school of which he disapproves himself; his sin is a consequence of disobeying the priest; and even though the priest were notoriously (or at least in the judgment of the poor man) incompetent to the discharge of his duties, yet, if the Roman Catholic bishops think him a proper prudent man, he who disobeys is guilty of a mortal sin.

RIGHT REV. J. DOYLE.

Appendix, &c.
p. 785.

To define what is a mortal sin is sometimes very difficult, because it is not the mere reading the Testament that I consider an evil, but when that reading is attended with a danger of the subversion of the faith, or when it can be understood as implying a conformity to another religion.

If a school be established which the priest is conscientiously convinced is calculated to endanger the religion of the Roman Catholic children, if the priests warn the parents of the children of such danger, and the parents notwithstanding persevere in sending the children there, would the parents in that case be guilty of mortal sin?—Certainly, if the priest were a proper prudent man.

Who is to judge of that?—I think the bishop is the person to judge of it, who in case of doubts takes to his advice the most learned and prudent of his clergy.

The priest, in exercising a judgment on the conduct of a parent who sends his children to a school of this nature, is exercising a discretion in the same way as he might in any other conduct of the supposed penitent?—Yes; I think so.

In this language, there cannot be recognised much approval of that free exercise of judgment, the assertion of which occupies so very prominent a place in Doctor Doyle's evidence. In

judging of the church, reason is to be altogether excluded; in paying to the church a proper obedience, no submission can be reasonable which is yielded to any influence except that of authority. When the church speaks, her children hear as they would hear the words of Christ; when she commands, they obey as though they were commanded by God. According to the evidence, the church only *recommends*; and in cases where she recommends what is not directed by God's law (cases of which nature, according to Doctor Doyle, sometimes occur), her precepts are not obligatory, because neither reason nor conscience could so regard them. Such is the evidence; but the controversial writings are of a far different nature, and state that the church is to be obeyed, not because it can justify its commands by reason, but because it can enforce them by authority.

There remain two remarks to be made on this subject, which may serve still further to show how difficult it is to attain a knowledge of the doctrines of the Roman Catholic church in Ireland. Doctor Doyle affirmed, that all the commandments of the church are not obligatory, on pain of mortal sin. When instructed that the Douay catechism allowed of no exception, he stated, that he could give no further explanation than he had previously offered. The Editor has to observe, that the passage which Doctor Doyle was unable to explain, does not occur in the Douay Catechism alone, and that he never saw any catechism, however general, in which the commandments of the church were named, which did not intimate that all those commandments were of equal authority, or, at least, which did not declare, that all bound, under pain of mortal sin. That from which the following extract is taken, is called "The small Catechism," was printed in the year 1824, and is declared in the title-page to have been revised and recommended by the "Four Archbishops of Ireland."

"Do the precepts of the church oblige under pain of mortal sin?"

Yes! he that will not hear the church, says Christ, let him be to thee as the heathen and the publican."

The Roman Catholic laity in Ireland are likely to be very much confused when they collect, from the evidence of Doctor Doyle before the Parliamentary Committees, a doctrine so unlike that which is recommended by their four archbishops, a doctrine discountenanced by the sentiments expressed in the noted "Vindication," and directly opposed to Doctor Doyle's statements, delivered on oath to the "Commissioners of Education in Ireland."

The next thing to be noticed is, the assertion that Roman Catholic bishops can exercise no control over printers, and

therefore, that formularies of the faith are printed, which are not in accordance with the wishes of the bishop. It seems very strange that bishops in the church of Rome can exercise so little power; that, if they direct their clergy to instruct in no incorrect catechisms, their directions will be neglected. This is not conceivable. It might have been expected, that if a priest from the altar cautioned his people against an unauthorized catechism, the people who are to be instructed by that priest, would not purchase the book of which he disapproved. Beside, the Council of Trent has given to the bishops in each diocese a control over the printers, which may, to the extent of inflicting spiritual punishments at least, be still exercised. The Editor does not mean to enlarge upon the nature of these powers, or to speak of the injury which a printer (even in temporals) would be likely to suffer if he should dare to disobey. He thinks it more befitting his subject to show, that in the very province in which Doctor Doyle exercises episcopal functions, the power which he states bishops have not, they not only claim but exercise. For this purpose he selects the following passage from the examination of Mr. Peter Blenkinsop before the Commissioners of Education.

MR. PETER BLENKINSOP.

Appendix to
Report from
Commissioners
of Education in
Ireland,
Dec. 6, 1824.

At that time I had obtained Dr. Troy's permission to print it (*the Bible*). It is always usual to get the approbation of the ordinary.

Would you now print a third edition of that work for the Kildare-street Society, if they applied to you?

Not without the approbation of the present ordinary, Doctor Murray.

Is it your own impression that you could obtain that approbation?

I rather think not.

The witness here states, that it is "always usual" to get the approbation of the ordinary, and declares, that without such approbation he would not print an edition of the Bible. How easy then would it have been, even though no other printer could be found, equally amenable to the discipline of the church of Rome, to procure from Mr. Blenkinsop a supply of catechisms sufficient to convince country printers, that, if they were unwilling to be orthodox, they must content themselves with being neglected.

Catechism of the Council of Trent.

The next discrepancy which it is proper to notice, is one

which occurs between Doctor Doyle's opinions, as given in evidence, and the catechism of the Council of Trent, which he declared, as the reader may remember, on his examination before the Committee of the House of Lords, to be the most authentic summary of the Roman Catholic faith. It is a difference on a very important subject, one vitally connected with the peace and comfort of life—the subject of marriage. Certain marriages, valid according to the law of the land, are illegal according to the discipline of the Church of Rome, and the consequences of such marriages are—

THAT the parties contracting them are considered, so long as they cohabit, as living in a state of sin :

That where the marriage is what the Church of Rome reputes clandestine, the contracting parties are virtually excommunicated :

That the male issue of such marriage could not be ordained a priest or consecrated a bishop :

That all the issue, though they do not forfeit estates or possessions, incur the disgrace of bastardy :

Here it appears, that, in many instances, the spiritual power of the church of Rome, and the great force of public opinion, as far as the Roman Catholics in Ireland are concerned, are exercised in direct opposition to the law of the land. According to that law, married persons are bound to cohabit; and the church of Rome exerts all the influence which it possesses, to prevent, in certain cases, such cohabitation.

The following question, therefore, proposed to Doctor Doyle, must be regarded as one of very great importance :

RIGHT REV. J. DOYLE, D.D.

IN case of two Roman Catholics resorting to a clergyman of the Established church to be married, and he marries them, would they subject themselves, by going to the clergyman of another church, to the "greater excommunication?"

In our province of Dublin (I cannot say how it is in the rest of Ireland), any person who gets married clandestinely, is by the very fact excommunicated, a case which did not occur to me when I was speaking on that subject just now. Clandestine marriages are those which are not contracted in the presence of the

Right Rev.
J. Doyle, D. D.
Comm. p. 192.
Lords,
p. 507.
p. 508.
Comm.
p. 175.

Lords,
Report, p. 507.

parish priest and two witnesses; it is thus that they are defined by the Council of Trent; but as we have not received that discipline so established at Trent, as to the annulling of such marriages, I do not, and in the province I believe no prelate does, consider any marriage as clandestine properly speaking, which is solemnized by any clergyman regularly entitled to officiate, either in our own church, or in the Established church; we repute clandestine, those marriages which are sought to be solemnized by what we call Couple Beggars; that is, by clergymen discarded either from their own church or from the Established church.

Would a marriage by a Presbyterian clergyman be good?

Yes; we repute him a good clergyman.

The people of Ireland are here instructed, that marriage by a Protestant clergyman is, in Doctor Doyle's estimation, good. They were certainly not acquainted with this important truth before, because, conceiving the clergy of the Established church incompetent to the administration of sacraments, it was the custom, after submitting, in certain cases, to the legal ceremony from them, to have the sacramental marriage solemnized by a clergyman of the church of Rome. It appears, therefore, that the people have been taught a different doctrine from that which Doctor Doyle in evidence professes; and it is certainly an extraordinary circumstance, that the doctrine of the people is in exact accordance with that contained in the catechism which is declared to be "the most authentic summary of Catholic faith." An extract from that catechism is here subjoined, which the reader is requested to compare with the sentiments expressed on the same subject by Doctor Doyle.

Lords,
p. 378.
Rt. Rev.
J. Doyle, D. D.

"After the explanation of these things, it will follow that the pastors teach the rites also, which ought to be observed in contracting matrimony. Whereof it is not to be expected that in this place rules should be given, as by the holy synod of Trent, those things which are chiefly to be observed concerning this matter, have been largely and exactly decreed; nor can the pastors be ignorant of that decree. It will therefore suffice

to admonish, that they study to know those things which belong to this matter, from the doctrine of the sacred council, and diligently expound them to the faithful.

“ And first, lest young men and maids, whose very age must want counsel and discretion, being deceived by a false show of matrimony, should unwarily rush into the covenants of dishonest loves, they shall often teach that those marriages are to be accounted neither true nor lawful, which are not contracted in the presence of the pastor of the parish, or some other priest, by licence of the pastor or the ordinary, and of a certain number of witnesses.” *

The Bible.

RIGHT REV. J. DOYLE, D. D.

IN the address of the Roman Catholic bishops to their clergy, published at the end of last year, and to which your name is affixed, it appears that you object to the possession of the Bible by the Roman Catholic laity; does that apply to the Bible attempted to be circulated by the Bible Society, or does it equally apply to any other version of the Scriptures, such as that called the Rheims, or Douay version? Lords,
Mar. 21, 1825.

It applies to the version sought to be circulated by the Bible Society amongst us, and not to the Rheimish or Douay version, which is sanctioned by our prelates. That we have no aversion to the reading of the Bible, and to the possession of it by the laity of our church, is best proved by the great many editions it has gone through in Ireland, under our express sanction; and to which editions there is affixed a rescript of Pius the Sixth, directed to a prelate in Italy, called Martini, who had translated the Bible out of the Vulgate into the Italian language. We prefix this rescript of Pius

* Catechism of the Council of Trent, page 283-284. Dublin, 1815.

the Sixth, to our editions in English of the Bible, in order to show, that not only we, but the head of our church, is joined with us, in exhorting the faithful to read the word of God. We have not only procured editions of the Bible; I believe three by Coyne, two by O'Reilly, and one by Cross, (perhaps it is two); but this very year we have procured a stereotype edition of the Bible, of a small print and low price, to circulate among all; so that, of all the things said of us, there is not any thing said of us more opposed to truth, than that we are averse to the circulation of the word of God.

REV. W. PHELAN.

Comm.
28 April 1825.
p. 496.

ARE you aware that there is a stereotyped edition which has been published in Dublin by the Catholics, in order to afford a more extensive distribution of the Scriptures?

I am not aware of it; but I should not conceive it at all unlikely, for the bishops and clergy of their church exercise a discretionary power of allowing to particular persons the privilege of reading the Scriptures, and for those persons there must be copies of the Scriptures; but I have never seen a copy in which there were not the notes.

RIGHT REV. J. DOYLE, D. D.

Lords,
March 21, 1825.

HAVE you in any instances allowed the circulation of the Bible among the laity, without notes?

I do not know that we have.

You think it necessary that notes should accompany the Bible, for the purpose of explanation?

In our country, where religious controversy prevails to such an extent, I do think it necessary that short notes explanatory of the texts on which our differences turn, should be prefixed to the Bible.

You consider yourselves pledged to all matters contained in these notes?

No, not by any means. On the contrary, there were notes affixed, I believe, to the Rheinish Testament, which were most objectionable; and on being presented to us, we caused them to be expunged. The notes carry, in our editions of the Bible, no weight; for we do not know the writers of many of them. If we find them clear enough in explanation of doctrine, we leave them there; but whenever we find any thing exceptionable, we put it out, as we have done in the cases I have referred to.

But those published with the objectionable notes, were published by authority of the bishops?

The translation was made at Douay and Rheims, without our knowledge, perhaps; and when we found it in circulation, and examined it, we found it to be correct, and then we approved of it; which approbation refers to the text, without the exceptionable notes, as stated in my last answer.

RIGHT REV. DR. MURRAY.

Do you approve the circulation of the Scriptures, without notes, among the Roman Catholics?

Comm.
May 17, 1825.
Report, p. 661.

I do not approve of the circulation of the Scripture without notes; I wish there should be some notes appended to them, as an indication that they are not to be interpreted according to private judgement, but according to the authority of the church.

What are the particular notes, by what authority prepared, or where are they to be found, which, in your opinion, should accompany the Bible?

I have myself procured an edition of the Bible, which is now ready to be issued, a stereotype edition, with such notes as I approve of.

Are you aware that an edition of the Testament, with notes, was published in Dublin, in or about 1816, by Dr. Troy?

I am. That edition was published under a misconception. Dr. Troy had given his sanction to an edition

of the Bible, supposing it to be the same that he had before sanctioned ; but as soon as he found his mistake, he withdrew his approbation, and I do not find that the edition is in use among the Roman Catholics.

By what document can you show that Dr. Troy withdrew his sanction ?

He wrote a letter to that effect, which was published at the time.

Were not these notes the usual notes in use among Roman Catholics ; were they not extracted literally from those to be found in the Douay version ?

They were not used in Ireland before ; for there had not been in that country any previous edition of them.

Where were they obtained ; by Coyne, the printer, or by whom were they furnished ?

They were furnished in an edition known in England, and which proceeded from certain exiles who left this country in very angry times, and carried a little of the spirit of the times along with them. It is a subject of regret to many sincere Catholics, that too much of that spirit has been infused into those notes. They have, however, been gradually softened down, so that in the last edition there are very few notes, and those very unobjectionable.

Was not an edition of the Douay Bible published in Ireland, about twelve years since, by authority of the Roman Catholic bishops ?

There were different editions of the Bible published in Ireland, by the authority of the Roman Catholic bishops.

In one published in 1814 or 1815, there is a note upon the 17th chapter of Deuteronomy, the 8th, and following verses,—“ Here we see what authority God was pleased to give to the church guides of the Old Testament, in deciding without appeal, all controversies relating to the law, promising that they should not err therein ; as punishing with death such as

proudly refused to obey their decisions ; and surely he has not done less for the church guides of the New Testament." How would you explain that ?

That refers to the authority mentioned in the first part of the note, namely, that of deciding without appeal, and without the risk of error, all controversies relating to the law ; but, on account of the wrong principle, which, if misunderstood, it might tend to propagate, I ordered the objectionable part of the note to be expunged ; and in the stereotype edition of the Bible already alluded to, there is no such note to be found.

The evidence of the Roman Catholic bishops on the subject of the sacred Scriptures, must appear very extraordinary to the lay members of their communion. Doctor Doyle declares, that the circulation of the Bible without notes is not permitted in his church, and that the Roman Catholic bishops in Ireland have proved their zeal for diffusing the knowledge of the word of God, and their respect for ecclesiastical discipline, by preparing numerous editions of the Scriptures, and taking care that the text should be accompanied by notes. But what must be the astonishment of the Roman Catholic people when they learn, that to the correctness of these notes their bishops by no means pledge themselves. Vain are all the printed declarations, that Bibles were published with episcopal approbation. This approbation refers not to the notes, but to the text alone. Vain those declarations that notes and text were approved—declarations bearing the signatures of Roman Catholic archbishops ; those also, as Doctor Doyle declares, although the notes are seemingly approved, in reality bear reference to the text alone ; and thus, while the Roman Catholic people have been long taught to consider the notes accompanying their Bibles as authorized and orthodox interpretations, they are now instructed, that although these comments may be well enough adapted for the laity, they are not to be understood as expressing the sentiments of the bishops. This is certainly a most extraordinary intimation. Doctor Doyle disclaims every kind of responsibility with respect to the notes accompanying existing editions of the sacred Scriptures. Doctor Murray, when asked where authorized notes were to be found, declines answering the question, but promises that an edition of the Bible shall speedily issue from the press, accompanied by comments of which he himself approves. Thus then it is declared or admitted, on the authority of two Roman Catholic bishops, that up to the year 1825, although many editions of the Douay Bible had been

printed in Ireland, there was not one containing a commentary, for the correctness of which either of these individuals would pledge himself or his church.

To what purpose then, it will naturally be inquired, were notes appended to the Bible; and why were they made an indispensable accompaniment? Why were the Roman Catholics of Ireland refused the privilege of reading the Scriptures, unless they were contented to accept them, and to understand them through the interpretation of notes, which were often "unchartable," often "absurd," and which were, it now appears, in many instances, as alien to the principles of the church of Rome, as they were opposed to the dictates of sound sense, and to the true meaning of the Scriptures? If the approbation of bishops was limited, to the text, what was the meaning of pronouncing that the approved text was not to be read, except when viewed through the medium of notes which were disapproved? What must unprejudiced men think of bishops who exercised over "their subjects" such tyranny as this; and what will be thought of the subjects, if they still yield themselves up as contented and unreflecting slaves of the masters who have so abused them? It is indeed a despotism not easily endured, and it is reasonable to expect, that when the Irish Roman Catholics reflect upon the manner in which individuals pretending the authority of the church, have for many years degraded and oppressed them, and when they now find "Notes" which they were commanded to learn and believe, disavowed before the Imperial Parliament by bishops of their church, who are eminent in their order; they, too, will claim for themselves the privilege of rejecting what reason disapproves, and will assert the Protestant principle of entering into the "Commons of God's people," and reading the word which was written for their learning, guided but not governed by the notes wherewith it is accompanied.

The editor does not wish to multiply instances of the manner in which, by approbations or censures of commentaries on the Bible, the loyalty of the Irish Roman Catholics has been assailed, and their feelings sported with: he will confine himself to a single case which is stated in the evidence of Doctor Murray, and which will sufficiently illustrate the position, that it is a matter of extreme difficulty to collect on any subject the deliberate and unequivocal judgment pronounced by the Church of Rome. It is the case of the Rheinish translation and commentary on the Testament, published in the year 1816, as appears by the title-page, with the approbation of the Most Rev. Doctor Troy, and censured at the close of the year 1817 by the same authority. Copies of this censure, and of remarks which it occasioned, are given here as they appeared in the Dublin Evening Post, and other journals of that time.

"Having seen a new edition of the Rheimish Testament with annotations, published by Coyne, Dublin, and Keating, &c. London, 1816, said to be revised, corrected, and improved by me, I think it necessary to declare, that I never approved, nor meant to approve, of any edition of the Old or New Testament which was not entirely conformable, as well in the notes as in the text, to that which was edited by R. Cross, Dublin, 1791, containing the usual and prescribed formula of my approbation, and which has served as an exemplar to the several editions that have since been published with my sanction. As in the said new edition the notes vary essentially from those of the last-mentioned editions, which exclusively I have sanctioned for publication, I should think that circumstance alone fully sufficient to induce me to withhold every kind of approbation from it; but having read, and now for the first time considered these notes, I not only do not sanction them, but solemnly declare, that I utterly reject them generally, as harsh and irritating in expression, some of them as false and absurd in reasoning; and many of them as uncharitable in sentiment. They farther appear to countenance opinions and doctrines which, in common with the other Roman Catholics of the empire, I have solemnly disclaimed upon oath.

"Under these circumstances, and with these impressions on my mind, I feel it an imperious duty to admonish that portion of the Catholic body which is entrusted to my charge, of the danger of reading or paying attention to the notes or comments of said new edition of the Testament; and I enjoin the Roman Catholic clergy of this diocese to discourage and prevent, by every means in their power, the circulation amongst Catholics of a work tending to lead the faithful astray, and much better fitted to engender and promote, among Christians, hostility, bitterness and strife, than (what should be the object of every such production) to cultivate the genuine spirit of the Gospel; that is, the spirit of meekness, charity and peace.

Dublin, 24th October 1817.

"J. T. Troy."

Parliament-street,

October 26th, 1817.

Most honoured Lord,

It is with pain and difficulty that I am obliged to controvert for a moment, any statement coming from your Grace, but the character which I have earned and maintained these fifteen years, unsullied, in the opinions of the Catholic clergy and hierarchy of Ireland, as the *only* publisher and bookseller in the kingdom, of works *exclusively* Catholic, puts me under the indispensable necessity of addressing your Grace in public.

The declaration which your Grace has published, leaves no alternative, but that of either submitting to the imputation which it fastens upon me, or of giving, as I now do, a simple statement of facts, for the truth of which I appeal to your Grace's candour, and which shall, I trust, substantially remove the impression that your Grace's declaration is calculated to produce on the public mind, with regard to me.

On Monday, the thirteenth instant, your Grace sent me a message by your servant, requesting to see me at Cavendish-row, at the hour of two o'clock; I had scarcely entered your Grace's apartment, when the Very Rev. Doctor Hamill, your Grace's vicar general, and the Rev. Mr. Kenny, of Clongowes college appeared. Your Grace then produced and read a paper, purporting to be an extract from the British Critic, and containing animadversions on the notes of a late edition of the Catholic Bible, bearing in the title page, the approbation of your Grace. You then observed, "That you were sure I had no bad intention in putting your Grace's name to the work, but that very bad consequences had followed, that finding its way into England, it had armed our enemies against us, and this at a time when we were seeking emancipation." Upon these remarks, I asked, "Did not your Grace approve and sanction the publication of a Bible, by a Mr. M'Namara, of Cork? Your Grace replied I did."—I then asked, "Did not your Grace depute the Rev. P. A. Walsh, of Denmark-street chapel, to revise, correct and approve for publication in your Grace's name, the said Bible of M'Namara?" Your Grace answered, "I did."—Then my Lord said I, "that is the Bible now in your hand."—"I never authorised" replied your Grace, "the Rev. Mr. Walsh to approve a Bible with the Rheimish notes."—"Of any private understanding" said I "between your Grace and Mr. Walsh, I know nothing, but this I know, that Mr. Walsh is accountable for your Grace's approbation, which is now in the title page."—"But," said your Grace, "Are not you the person that published this Bible? it bears your name."—"No, my Lord," said I, "I am neither the printer nor publisher, and I shall now relate to your Grace, how it comes to bear my name; M'Namara, the publisher of the work to which your Grace gave your sanction, became a bankrupt before the work was completed. Mr. John Cumming, of Ormond Quay, assignee to the bankrupt, purchased the unfinished part, and to cover his own losses, resolved upon perfecting the publication. Having called upon me, and requested of me, to allow him to put my name to the work; I refused, except on the condition, that the clergyman deputed by your Grace, continued to correct the unfinished part. This I did, without any interest whatever in the transaction. Mr. Cumming accordingly

" applied to the Rev. Mr. Walsh, to whom he paid £. 20, on " completing the revision of the work, and took his receipt for " the amount." When I had finished this narrative, your Grace, in the most unequivocal terms, in the presence of Doctor Hamill and the Rev. Mr. Kenny, acquitted me of having had any thing to do with the publication. I then remarked, that your Grace having in different conversations, disclaimed your approbation, and certain individuals having in consequence denounced me as the forger of it, I should, in my own defence, publish the whole transaction; upon which your Grace promised me to take every opportunity of disabusing those to whom you had spoken on the subject. For the truth of what I have now related, touching the interview of Monday the 13th inst. I appeal to your Grace, to Doctor Hamill, and to the Rev. Mr. Kenny. " Did I not afterwards send your " Grace the numbers of this said Rheinish Testament, on the " covers of which, are printed these words; ' Now publishing " by M'Namara, the Catholic Bible. To render it the more " complete, the elegant, copious, and instructive notes or " annotations of the *Rheinish Testament* will be inserted, by " permission of his Grace Dr. T. Troy, Catholic Lord Primate " of Ireland; this work is carefully revising by the Rev. " P. A. Walsh, Denmark-street, Dublin; printed by Cumming." Moreover, did not I accompany these numbers with a letter, calling on your Grace to make good your promise of clearing my character from the imputations it had lain under, through your Grace's misconception of the facts? This letter, my Lord, I suppress, from the same motives of delicacy which have kept me silent, until your Grace's declaration forced me thus to state the facts; nor shall I add one single comment, but leave the public to draw their own conclusions.

I am, most honoured Lord,

Your Grace's very humble and most obedient servant,

Richard Coyne.

To Mr. Richard Coyne, Parliament-street.

Sir, 10 Lower Ormond Quay, Oct. 27, 1817.

I have received the address to the Most Rev. Doctor Troy, which appeared in the Freeman's Journal of this day, bearing your name; and I think it but *justice* to you to declare, that the statement therein contained, is perfectly correct, so far as it relates to me, and to the appearance of your name as the publisher of the Bible and Testament therein mentioned.

I am, Sir, your obedient servant,

John Cumming.

Upon this correspondence it is not necessary to offer many remarks. It discloses a very extraordinary state of things. For an entire year, with the expressed approbation of the Roman Catholic primate of Ireland, the Rheimish notes, notes which declare that the violation of faith pledged to heretics, is justifiable, and that persecution for religious opinions is right and lawful, were circulated among the Irish people. During that time, of the three thousand ecclesiastics belonging to the church of Rome in Ireland, not one was to be found, who came forward to warn their primate of the use to which his name had been applied; and the most abominable stimulants to treason and assassination continued to be held forth as comments of the church of Rome, on the Gospel of peace, until a Protestant periodical publication denounced these odious comments to the world, and Doctor Troy was made to learn, from the abhorrence and indignation of England, what no one of the many ministers or members of his church, had thought it proper or necessary to disclose to him. Then Doctor Troy pronounced a censure against a book, which had made his creed odious. But what censure? Let the reader examine it well, and he will think it not the least extraordinary feature of this whole extraordinary transaction. The notes are condemned for, 1st, harshness of language; 2dly, absurdity in reasoning; 3dly, uncharitableness of sentiment; 4th, support of doctrines which Roman Catholics had disclaimed on oath; but not the slightest intimation that they were condemned on account of *false doctrine*; so that in truth, the censure pronounced against the Rheimish notes, implies nothing more than that they were condemned because the publication of them was inexpedient.

The editor does not mean to tax Doctor Troy with any wilful equivocation, but he cannot avoid expressing his regret, that a declaration of such importance, and on so important a subject, was not framed in a manner less likely to be misunderstood. It is a doctrine of the church of Rome that, even in decrees of Councils, nothing is to be regarded as infallible except the naked propositions respecting faith. The language may be objectionable, the reasoning may be unsound, the sentiment may be (as Bossuet says of his church) intolerant; and yet the proposition respecting faith shall be infallibly true. This is the doctrine as laid down by the ablest writers of the church of Rome, and as professed by the Roman Catholic bishops in Ireland.

Most. Rev. D.
Murray, D. D.
Comm.
May 17, 1825.
p. 649.

"Our church teaches the doctrines it receives, from Scripture and from tradition; it declares that such is the law of God; it proves that from points of Scripture and tradition; but it may err even in the application of the proof; it is only the naked proposition, the decree of faith, which we are bound to submit to, not at all the chain of reasoning by which it is proved."

This being the doctrine of the church of Rome, it is evident, that in censuring a work containing incorrect views of faith, the unsoundness of the doctrine should always be expressly mentioned, as otherwise it will be considered orthodox to retain the doctrine, and reject the condemned accompaniments. It is therefore, much to be regretted that, in Doctor Troy's censure, the only thing which was important, or at least that which was most important, has been neglected, and it is too much to hope, that many a Roman Catholic (considering the silence of the three thousand priests for an entire year, and combining it with the very remarkable omission in the censure which Doctor Troy published, when the "British Critic" had roused the indignation of England,) may not be led to account for the supineness of the clergy and the omission of the prelate, on the principle that the Rheinish notes contain the true doctrine of his church, although for special reasons the publication of them was inexpedient.

Index Expurgatorius.

Every fair inquirer into the tenets or opinions professed by any class of men, must consider his examination incomplete, so long as it has been confined to the positive articles of a creed. It is necessary to understand not only the doctrines which are received, but also those which are rejected, for it is by such knowledge alone, that it is possible to discriminate between those minuter characteristics, and those more delicate shades which so much affect the truth and the efficacy of doctrines. It would, at first view, appear, as if, for inquiries of this nature, the church of Rome afforded peculiar facilities. She has established and authorized a perpetual censorship of books, and has commanded that the decisions of the ecclesiastics, to whom this office has been consigned, having been approved by the Pope, shall be submitted to by the people. Thus then it can be at once ascertained by what gradations the church of Rome characterises all heterodox doctrine, from unimportant differences down to heresy. But here the Roman Catholic bishops in Ireland interpose, and say that their opinions may not be inferred from the censures registered in the Index, inasmuch as they have never admitted the authority of this candid document.

REV. M. O'SULLIVAN.

THERE are three classes of writers in the Roman Catholic church; one class, of those who assert distinctly that the Pope has the power to give and take away kingdoms; (until the time of Bellarmine, all the

Comm.
26 April 1825.
p. 472.

Italian bishops, and a great number of other bishops in Europe, held that opinion); there is another class of writers, who hold, that it is not a point of faith to believe in the Pope's deposing power. There is a third class, who maintain that the Pope has no such deposing power. There is appointed, in conformity to the decrees of the Council of Trent, a congregation, called the Congregation of the Index, instituted for the purpose of inspecting such books as Roman Catholics are likely to read; and it is their duty to forbid the reading of any which they consider heretical. It appears to me a very remarkable fact, that the books which directly deny the Pope's supremacy, are, some of them, (when I say some, I am to observe, that my means of obtaining knowledge are very limited, and perhaps other persons who have more opportunities of consulting books, can say a great many), are expressly pronounced to be heretical by this Congregation of the Index, and that the works of Bellarmine, the works of Suarez, and the works of other Jesuits, who in direct terms state that the Pope has a deposing power, are not so forbidden or condemned. And, when I find one class of books condemned by the Congregation of the Index, and the other class not condemned, the partiality appears to me to furnish a strong presumption, that the tendency of the church of Rome is at least to encourage the one belief, and to discountenance the other.

MOST REV. D. MURRAY.

Comm.
May 17, 1825.
Report, p. 654.

THE Index Expurgatorius has no authority whatever in Ireland; it has never been received in these countries, and I doubt very much whether there be ten people in Ireland who have ever seen it. It is a sort of censorship of books, established in Rome, and it is not even received in Spain, where they have a censorship of their own; in these countries it has no force whatever.

In Ireland, the "Index Expurgatorius" has no force whatever, and yet, through the instrumentality of that Index,

the church of Rome condemns heretical opinions. Perfect conformity in doctrine is therefore not necessary to Catholic communion, at least it is not necessary to communion with the church of Rome. If it were, the Roman Index would be of authority wherever the supremacy of the Roman see was admitted, and would be as decisive in spiritual matters in Ireland, as the judgment of the Lord Chancellor of England is in cases of legal appeal. To say that the Index, the recorded judgments of the church of Rome, has no authority in Ireland, is to say, that Ireland is free to dissent in doctrine from the Roman see; and thus, opinions may be condemned as heretical in that city, which is termed the centre of Catholic unity, and these opinions may be patronised by Doctors Murray and Doyle, and may be learned and embraced by their subjects. If the Index were confined to the notice of errors in discipline, or if its authority had been admitted in matters of faith, the matter would not be so difficult of comprehension; but when it is recollected, that, in the Index Expurgatorius, false doctrine of every species is said to be condemned, and when it is kept in mind that its decisions are not, *on any subject*, of authority, it will be at once perceived, that the doctrine of the church over which Doctor Murray presides, may be essentially different from that which the Roman Pontiff professes, and that a man, who, for heterodox doctrine, has been anathematised in the Vatican, without changing a single opinion, may die in the odour of sanctity, and actually be all but canonized in Ireland.

CHAPTER IV.

Influence of Roman Catholic Clergy. How maintained. For what purposes exercised.

EVERY person acquainted with the circumstances of Ireland is aware, that in external communion with the church of Rome in that country, are to be found numbers, who regard its doctrine and discipline as merely the symbols of a party, and consider their connection with it as altogether political. The theology of the church of Rome esteems persons of this character as members of the "body of the church," and they are, according to the comparison which Bellarmine has instituted, as the hair and nails on the natural body. They encrease the worldly respectability of the church, and they are relied on as a protection against external injuries. For the retaining such members, the unsettled state, and the obscurity in which, according to the testimony of the Roman Catholic bishops, the doctrines of their church in Ireland have been suffered to remain, afford great facilities. If principles like those alluded to in the preceding chapter were openly and distinctly avowed, the Roman Catholic gentry of Ireland would perceive how nugatory were their declarations to a Protestant government, of abjuring doctrines which they professed to their church that they would uphold; and no political feeling could influence them to sanction, by their countenance and support, principles which must endanger the safety of the constitution under which they live, and which ought to be held in universal abhorrence. Such principles, therefore, are not openly presented for their acceptance, but they are required, by the articles of that creed, which, the Roman Catholic bishops have declared, is the creed of their church, to express an assent to all these abominable doctrines, in their promise to receive, without any doubt, "whatever has been declared, delivered, and defined in the sacred canons and general councils;" and having done this, their "ghostly fathers" permit them to be ignorant of the principles of their church, and with a safe conscience to promise true allegiance to their king, until the time shall have arrived when all things are ready for execution, and the Pope has commanded the scroll to which they have affixed their names to be unrolled, that they may read the propositions and the claims, to the support of which they have solemnly pledged themselves. In the meantime, should any suspicion be awakened, it can easily be quieted again

by an exercise of that ingenuity, of which the reader has already seen specimens, and which, for the present, supplies in Ireland the place of an established formulary of Roman Catholic doctrine.

But the necessity which the habits and education of the gentry create of practising evasion and concealment, does not operate upon the Roman Catholic priests in their intercourse with the inferior orders. It is frequently urged, with respect to the church of Rome, that, in order to preserve its influence, it must advance with the progress of society, and accommodate itself to the spirit of the times. * If this principle be applied to the case of Ireland, to what a spirit must the Church of Rome accommodate itself, when it courts the suffrages of a lawless and superstitious peasantry. The religion, according to the constant practice of the Church of Rome, must become superstitious and intolerant; must furnish itself with miracles to feed the people's appetite for wonder; and must tincture with a religious colouring their lawlessness and discontent. Thus it is, that with the triple barking of this indomitable church the nation is disquieted; to the gentry it announces, that they are suffering for their maintenance of an ancient and a rational faith; to the peasantry, uncharitable dogmas are proposed, which the gentry are not required to believe; and to the Pope it is announced, through the formularies retained and the creed professed, that his rights are still preserved, and, not the less effectually because cautiously, enforced and acknowledged. The reader will judge for himself whether these remarks are justified by the evidence contained in this chapter, as well as in the preceding.

D. O'CONNELL, ESQ.

You have said, that in general those persons who have been educated for the priesthood are lowly born?—Yes, so generally as to partake in some measure of universality.—(*However, the witness observes,*)

Several of the sons of gentry are educated at Maynooth. I have a nephew at Maynooth; and another very near relation, the son of a gentleman of independent means, who is letting the property pass to his second brother, and becoming a priest.

Lords,
March 11, 1825.

REV. M. O'SULLIVAN.

All the clergy of the church of Rome are not taken from the lower classes; there are some of a higher order;

Lords,
May 27.
Report, p. 927.

and that church shews great judgment in the manner of disposing her clergy. Those of better manners and better information, are generally placed in the towns; and those persons who, from their habits or their education are less fitted to appear in public, are stationed in the country parts.

RIGHT REV. J. DOYLE, D.D.

ords,
arch 21, 1825.

THE emoluments of Roman Catholic priests, their bishops say, ought not to be exactly apportioned to their duties. It might happen that a clergyman in the country, in a mountainous country, might have very laborious duties to perform, and yet his situation is obscure, and he himself not exposed to expense; whereas the person in the town must be a person of improved manners, pay more for a house, and be obliged occasionally to entertain friends.

COLONEL J. IRWIN.

omm.
9 May 1825.
p. 702.

IN what manner is that influence (*the great influence of Roman Catholic clergy in witness's neighbourhood*), exerted?

In general by denying their flocks or followers what are called rites of the church; not admitting them to confession, and in some instances, by withdrawing ordinary accommodations; as in the parish in which I live, the priest told some persons, who were objecting to pay the Roman Catholic rent, that he would not go to their houses to perform the ceremony of marriage or christening, but that they must come to him at the altar. There are other instances in the county; there was one recently, which was tried at the last quarter sessions, but the jury could not agree, in which the priest is charged with having struck a man for refusing to pay the Roman Catholic rent. There are other instances; in respect to marriage, they not unfrequently interfere. (*Witness observes in a note*), I should nere be desirous to add the power of excommunication*, which has been not

* Doctor Doyle declared, when examined before the Commissioners of Education, that he had heard of, but one instance

unfrequently exercised in the county of Sligo with effect, and temporal injury to the parties excommunicated. In two cases actions were brought, and some compensation was obtained; but the parties who brought the actions had subsequently to leave the country.

With respect to the priest of my parish, he is conducting himself very properly in most cases, except so far as interfering with the children of his parish going to

Comm.
19 May 1825.
p. 704.

of a curse pronounced by a priest from the altar. He stated, that he learned this circumstance by a letter from the priest himself, whom, though he thought him highly culpable, he did not censure, because he considered him sensible of the offence he had committed. Penitence might be a very good reason why the priest was not punished, but it was no reason why the scandal caused to his congregation should not be removed. A Roman Catholic priest, in the service of the mass, had been guilty of a heinous crime, and although the offender might be pardoned, a bishop should not suffer the congregation to be misled by a notion that the priest, in pronouncing the imprecation, had not offended. Yet Doctor Doyle did not cause the congregation to be instructed that their priest had offended; he did not inquire whether more offences of the same kind had been committed; and this, although as he informed the Committee of the House of Lords, he knew that there were priests intemperate enough to refuse the sacraments to a man who dared to retain his Bible. His reasons for not making public his sentiments with respect to the priest's conduct are as follow:

As far as his flock are concerned, they are still in ignorance, whether it was with your approbation?—My flock know me too well to think that I would approve of it.

They do not know of the letter he has written to you, showing his feeling on the subject?—They are in ignorance of that; I suppose; but if such a proceeding were to be repeated, they know that they should meet with redress in making application to me.

How can they know that?—Because they know, in many instances, that where they had any reasonable complaint of the conduct of a clergyman, on representing it to me, I have always interfered.

But this having occurred, and no complaint having been made by the parishioners to you, how are they aware that you would interfere?—I think the thing is so wrong in its nature, that it must strike any Christian that I disapprove of a priest appointed to minister between the people and God, converting his ministry into a curse.

Appendix to
Education
Report.
Right Rev.
J. Doyle, D.D.
April 14, 1825.
p. 783.

school. He has certainly co-operated with me to prevent improper persons from entering into our parish, and has been very instrumental in keeping his flock from mixing with them, or attending to them. We are upon these kind of terms. At the same time I will give an instance to show how far every other feeling is absorbed in that in which their church is concerned. He was very near death in a typhus fever, and he attributed his recovery, in a great measure, to the assistance which he received from my house in medicine, and every other thing that he required; and he felt himself under that obligation that he even, the first time I happened to be within his view after he had recovered from his illness, hurried across the fields to return me thanks; yet, because I objected to some of my tenants acting as agents to collect the Catholic rent, that feeling of gratitude was completely absorbed, and he reported me to the Catholic Association, saying, that there would have been a considerably greater collection in the parish, had it not been for my interference, and that of a gentleman who followed my example; and I was denounced in an authorized Roman Catholic public paper, as a bigot and intolerant person, for having done so. I say that that man's feelings of gratitude, upon that occasion, were forgotten.

Have you taken any means to ascertain whether it did come from the priest?

No; I felt the most perfect indifference upon the subject, and I never thought more about it.

Do not you think, if it had been incorrect, the priest would have publicly contradicted it?

That is my view of it. When my conduct was defended by the editor of the Sligo newspaper, if there had been no truth in it, I think the priest would have had the discretion to vindicate himself; and he not having done so, I charge him with it.

Your charge is founded upon having seen it publicly

stated, and the priest not having contradicted it!—
Yes.

That newspaper being the recognized organ of the
Catholic Association?

It was so considered in Dublin.

RIGHT HON. D. BROWNE.

Has the conduct of the priests of the Roman Catholic
religion tended to establish that tranquillity?

Lords,
26 April 1825.
p. 603.

In the first thirty years of my life I knew the Catholic
priests very well, and a more loyal and a better set of
people, more quiet under most cruel privations, and
better disposed I never knew. Of late, of the young
priests I know very little; they are too young for me
and I am too old for them, and consequently I know
nothing of them.

Of none of them?

I believe I may have spoken to half a dozen of them,
not to more than that; we very seldom agree, for they
are sometimes very violent, and I am obliged to prosecute
them at law.

For what?

For offences against the peace of the country, for
conceiving it is their privilege to beat and bully the peo-
ple; I am very sorry to say it, but I cannot help it,
being sworn here; I have seen that in two or three dif-
ferent instances, and I have prosecuted, as I was bound
by my oath to do; I have prosecuted and convicted in
all cases. I would not bring forward any prosecution on
such a case, except one that could not fail. They were
all tried by juries of the Roman Catholic persuasion,
and they were fined, and confined, every one of them.

p. 604.

When did those convictions, to which you refer, take
place?

About two years ago.

None lately?

None lately; because my determination of having

the laws obeyed by parsons, and priests and all, was well known; and that if any one came to complain to me of a priest, I would as soon take his information as I would against a parson, or any one else. I had always a great jealousy of the church assuming power any where. I have read and heard of all churches.

Do you mean the Roman Catholic church?

No, all churches. I know that the priests have complained that I have endeavoured to prevent their just privileges; those are the just privileges they claim, I suppose.

Are the Committee to understand that, since the transactions to which you allude, none of those ecclesiastical collections have taken place; that there have been none of those ecclesiastical floggings you have described?

I have not heard of any since that time; one of them was about a year ago, the last.

What was that case?

The case of Mr. Paul M'Greal. His story was this: a poor man came to the petty sessions, and complained of Mr. M'Greal, a clergyman, having owed him four pounds for provisions. He processed him, and cast him, got a decree against him, and that he was then paid. The consequence was, Mr. M'Greal proclaimed in the parish, that no school-master should teach his children; and afterwards meeting him in the church-yard, as he was going to the chapel, he asked him, How he dared come into his presence after what he had done. He said, sir, I did not know there was any law against my coming to chapel. The brother of this man came forward, and knocked the complainant down, and beat him in a most cruel manner. The priest was acquitted, because it was not proved that he struck. The jury thought that his dictating to his brother was not striking; in which I think they were wrong. The brother was sentenced to three months imprisonment, and the petty jury ordered the priest to be bound over to keep the

peace; and he was bound over, and severely reprimanded, by the bench of magistrates.

REV. M. O'SULLIVAN.

Is the conduct of the Roman Catholic priests, so far as you have observed them, such as leads them to conciliate their flocks with the Protestants or to estrange them from the Protestants?—To estrange them, certainly; to keep them separate from the Protestants.

Lords,
May 27, 1825.
Report, p. 927.

Do they exercise much influence and authority over their flocks?—A great deal.

Do the Roman Catholic priests exercise their influence over the Roman Catholic gentry, as well as over the Roman Catholic peasantry?—They do not in the same direct manner, nor from the same causes that give them power over the peasantry. They exercise an influence over the peasantry arising from the reverence with which they are regarded; the influence they exercise over the gentry, arises partly out of a dread of having their family made the scene of discord, and partly from a dread of the effects which may follow from its being known by the lower orders, that they are set in opposition to the priest.

p. 931.

Have you known any instances of that sort?—I have known an instance where a man at the head of a prosperous establishment in a species of trade, was reduced from comparative prosperity to a state of beggary, and had, in addition to all this, the dislike and opposition of his own family to encounter, in consequence of his opposing the priest, not by any direct opposition, but merely by speaking unguardedly of what he called priestcraft, in a manner that displeased the priest, and which his family resented.

You stated, that there were instances of persons in the higher ranks of life, being afraid of being denounced by the priests; did you ever know an instance?—I have known instances which furnish a reason why there should

Comm.
April 24, 1825.
Report, p. 465.

be that fear ; I have known the consequences of resisting a priest. There was a priest in the town of Dungarvan, against whom some charges of very heinous offences were made ; there was an inquiry into his conduct, and some of the witnesses who came forward to substantiate the charges against him were threatened, and put into personal fear. Whether it was in consequence of the danger to the witnesses, or for the greater convenience of hearing the cause, it was transferred from the town of Dungarvan, on the sea coast, to the city of Limerick, and the bishops attended there to hear the charges. There was a gentleman in the county of Waterford, a Roman Catholic, of high respectability, who, I believe, had been efficient in protecting the witnesses ; and who, as I should suppose, had attended at Limerick during the hearing of this charge. On his return he passed through the town of Tipperary, where it was reported, that he had been instrumental in bringing forward witnesses against the priest ; and although the great mass of the people knew that the charges against that priest were true, and although they knew that the trial was conducted not by Protestant ministers, but by ministers of their own church, this gentleman, a most respectable man, was assaulted, and his life very nearly lost in passing through the town of Tipperary, in consequence of his having protected the witnesses.

Comm.
April 20, 1825.
p. 466.

Education of Roman Catholic Children.

Children of the Gentry.

Comm.
April 26, 1825.
Report, p. 459.
Rev. M.
Sullivan.

You stated, with respect to schools, that they interfered to prevent the admission of children into schools ; were those schools, to which objection was taken, objected to on account of the instruction there given, and its being Protestant instruction ?—No ; I wish to mention one fact, which appears to me to be of importance.

A Roman Catholic friend of mine applied to me to interfere with a Protestant friend, who is a schoolmaster, and to intreat that he would not insist upon having public prayers read in his school, because the priest had declared, that if the Protestant clergyman would withdraw his rule of having public prayers read, in that case the Roman Catholic children should be permitted to remain at his school; but in case he did not dispense with it, the Roman Catholic children should be removed. I applied to my friend, and stated to him, that if he did not consent to alter his rule, the Roman Catholic children would be withdrawn from him, and sent perhaps to some Jesuit seminary; and I suggested the importance of having these children educated at his school. I cannot take upon me to say whether he adopted my suggestion. My attention was drawn off by another circumstance, for, in another school, with which I was more intimately connected, where the pupils were compelled to join in no form of prayer whatever, where there were two Roman Catholic assistants paid, where there were fourteen or fifteen Roman Catholics gratuitously instructed, the priest issued an order, in consequence of which, four young gentlemen, who were in the school, were withdrawn; and the fourteen boys, who did not pay, were permitted to remain; so that the form of prayer was referred to as the reason for withdrawing children from a school in one part of the country; and in another, in a school to which there could be no possible objection made, the priest insisted upon having the children withdrawn, although it was admitted by the parish priest, that the school was unobjectionable*.

* The editor feels, that this part of the evidence will be imperfect, unless it be taken in connection with the character of the gentleman from whose school the Roman Catholic pupils were withdrawn, the Rev. Marshal Clarke, master of the endowed school in Tipperary, and curate of the parish. For his abilities as a teacher, Mr. Clarke might appeal to the very

RIGHT REV. JAMES MAGAURIN, D. D.

Comm.
March 25, 1826.
Report, p. 284.

By whom was Clongowes endowed?—Mr. Kenny, I believe, was the undertaker of it; but from what source he received the funds I do not know.

numerous honours obtained by his pupils in the university of Dublin, where, he might also state, gentlemen educated by him had attained fellowships, and had been distinguished, even in the learned body of which they became members, by the correctness and the elegance of their classical acquirements. For his conduct as a minister of the church—he discharged his duties in perilous times without incurring blame or suspicion, and for the promptness and propriety of his decision and action in circumstances of very critical emergency, he has received the special thanks of his diocesan. During seven years, in which the editor enjoyed the most unreserved intimacy with him, he never heard him express an illiberal sentiment, or knew of his doing an uncharitable act towards a Roman Catholic, and during that time he had opportunities of hearing the opinions of persons of all descriptions, and never heard a doubt expressed of Mr. Clarke's liberality of sentiment; on the contrary, it was well known, that while he considered his poor Protestant parishioners as having in their distresses a peculiar claim upon him, he was ready to the utmost of his power, to relieve the wants of all his fellow creatures. So well known was his disposition, that not only were the poorer Roman Catholics continually applying to him for relief, and sure to partake of his private bounty, but that even the more respectable members of that church, were frequent in asking his advice and assistance, which was as frankly given as it was requested. With the religious principles of his Roman Catholic pupils, he never tampered; if they were deserving and necessitous, they were sure of his protection and assistance; and the editor has reason to believe, that many respectable members of the Roman Catholic priesthood in Ireland, look back with gratitude to Mr. Clarke's kindness to them when they needed such a friend. Such was his life, without a stain on his character, or an imputation against him of either intolerance or relaxation of principle for the space of thirty-nine years, during which he has been a curate in the diocese of Cashel. And from the school of this gentleman, whose conscientious attachment to the principles and discipline of the church of England they might of course disregard, but whose high reputation as a scholar, and whose active and enlarged benevolence ought to have ensured their respect, the Roman Catholic priests

He is the gentleman who now presides over the education of youth there; is he not?—Yes.

Is it probable that he was a man of fortune sufficient to have made that purchase?—No, I am not aware he was, nor of the source from whence he derived the funds.

Are you aware whether the source of that emolument was derived from abroad, or from pious individuals at home?—I do not know.

RIGHT REV. J. DOYLE, D.D.

CAN you inform the Committee what was the amount of the purchase money of Castle Brown; what was the capital invested in that establishment?—I may be very wrong in what I say, but to the best of my recollection, I think it cost 16,000*l*.

Comm.
March 18, 1825.
Report, p. 204.

You are not aware whether that arose from funds contributed by several individuals, or whether it was the investment of one individual?—No.

What is the number of pupils in that establishment?—I said that I did not know, but I believe it may amount to between a hundred and a hundred and fifty; it may even exceed a hundred and fifty, but I do not know.

The expense of education there is high, is it not?—I believe their ordinary charge is fifty pounds or guineas a year.

Then the class of pupils educated there is necessarily of a high order?—They are very respectable indeed.

Are you aware how many ecclesiastics are employed in the superintendence of this establishment?—I suppose there cannot be fewer than twelve or fourteen.

Are there any foreigners among them?—There is one,

commanded that the sons of the gentry should be withdrawn. One little trait of character should not be forgotten: the pupils who received gratuitous instruction, were still permitted to attend the school, and Mr. Clarke did not close his doors against them, nor was his kindness and attention to them for an instant, or in the slightest degree, abated, by the unhandsome conduct of their priest.

who I believe is a Pole, a simple good man, who has been there for some three or four years past; he seems to me to be a German or a Pole.

The others are Irish?—The others are all Irish; they have an establishment of a similar nature at Stoneyhurst, in Lancashire; and it sometimes happens that individuals from that establishment, who are English, go over and reside for some time at Clongowes. I have seen, as I recollect, two or three or four young men, who were introduced to me there as Englishmen.

Comm.
March 18, 1825.
p. 203.

Are they of any particular order of ecclesiastics?—It is said that they are Jesuits.

In fact, are you aware whether they are or are not?—I do believe they are; amongst the Jesuits they are reputed such, but then the Jesuits in these countries are not recognized to exist as a corporation like the other religious orders; and if they be Jesuits, as I believe they are, they do not seem, as far as I can understand, to act in any other capacity than that of individual clergymen collected together. They sometimes exercise the ministry in the diocese of Kildare; but they do so by authority derived from me, and subject to my controul.

Lords,
March 21, 1825.
Report, p. 389.

Do you happen to know whether the superior of Clongowes, and also of Stoneyhurst, attended at Rome at the election of the last superior of the order?—I know that two clergymen of that house, at Clongowes, did go to Rome about that period; and I do suspect they did assist at such election.

When did they (*the Jesuits*) first come there (*to Clongowes*)?

They settled there when I was upon the Continent, so that I cannot tell exactly the year.

Lords,
May 27, 1825.
Report, p. 935.
Rev.
M. O'Sullivan.

At what age are pupils sent there (*to Clongowes*)?—I believe they are received there at the age of ten.

A Roman Catholic stated to me his very great distress of mind, that the Jesuit school at Clongowes was so much resorted to by persons of his own persuasion; he stated to me that so considerable a change had taken place

in the minds of the young Roman Catholics, that now, instead of thinking lightly of the subjects of controversy, as they were thought of some time since, they would not only dispute seriously for them, but, he thought, if opportunity served, they would fight for them.

Education of the poorer Classes.

REV. M. O'SULLIVAN.

WHAT is meant by lay fraternities? *—There are in Ireland persons members of “orders,” who appear to be in the church of Rome, something corresponding to the system of Methodism in the church of England, only that “the orders” are favoured, and their services accepted by the Roman Catholic clergy. Some of the members of these orders are aiding in the work of education, and in this work have an opportunity of instilling into the minds of the people a veneration for the priest; and others, though not so engaged, are very active in giving counsel to the people, and in distributing tracts, and also in commu-

Lords,
May 27, 1825.
Report, p. 928.

* The confraternities in my diocese are universally those conducting the Sunday schools.

They are distinguished by that designation?

Yes.

Can you state whether there was any bull of the Pope, or rescript, sanctioning the principles of that society, in or about the year 1800?

I cannot state the date, but I know that this society was formed first at Rome, and to the members of it certain indulgencies were granted by the Pope, on condition of their instructing the children; and those same indulgences are extended to the confraternity wherever it exists.

By what name, or form of instrument, were those indulgences granted to that society?

By a regular bull, which is much the same in its form as a proclamation here of the king in council.

That bull communicated to the different bishops in the church of Ireland?

It is received by them, and adopted, and thereby it is in force.

Dr. Doyle,
14 April 1825.
p. 792.
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p. 793.

nicating to the priest information relative to all persons and all characters in his parish.

Lords,
May 27, 1825.
p. 929,

Have you any knowledge of the books of instruction those persons use?—Yes; I have seen several of them.

Of what character are they?

Most of them of an exceedingly superstitious character; many recording miracles in favour of the Roman Catholics, and punishment inflicted upon heretics*.

* The following extracts will furnish some idea of the spirit and temper of these books. In a volume called "The doleful fall of Andrew Sall," a miracle is related, which has been copied into many other productions. It is an account of a tailor, "who was commanded to worship the Host, but the blasphemous heretic answering, said, 'Verily a spider is more worthy to be worshipped than it is.' When behold a monstrous horrible spider came sliding down by her thread from the top of the church directly into the blasphemer's mouth, and endeavoured very busily to get entrance even as he was speaking the words; neither, without much ado, could the many hands of the standers-by keep her from entering into the wretch, whether he would or no. Then the archbishop stood up, and declared to all that were present, that the revenging hand of God had denounced the man to be a blasphemer." The following are taken from a treatise in most extensive circulation, the "Scapular," containing an account of an order, the members of which wear a certain habit, which it says "is a sovereign remedy against all the evils of this life, both spiritual and temporal; insomuch that the devils many times have been heard to cry most miserable, saying, Woe to us, by reason of the sacred Scapular of the blessed Virgin Mary of Mount Carmel." After enumerating the many inducements by which all mankind should be influenced to enter into that happy confraternity (which was instituted about nine hundred and thirty years before the coming of our Saviour Jesus Christ, by the great prophet Elias, who saw from Mount Carmel (whence the order takes the name of Carmelite) a cloud rise out of the sea, and knew by a prophetic notion that this cloud signified the glorious Virgin Mary,) the treatise endeavours to show, that a man need not be deterred from entering into the order by reason of any great rigour of devotional exercise which he has to apprehend; and then proceeds to silence, by philosophical reasoning, any insolent sceptic who may presume to doubt the virtues of the habit.

M. DONNELLAN, ESQ.

You are a Roman Catholic ?—I am.

Have you found in general, that a desire for education was great among the lower orders ?—I conceive that there is one universal cry for education, that extends

Lords,
April 26, 1825.
Report, p. 620.
p. 612.

4. "If any one can neither say the office of our Blessed Lady nor abstain from flesh, nor do any other work equivalent, by reason of his many employments, sickness, or some other impediments, nevertheless he need not therefore omit to enter into this confraternity. For as we have said already, he may gain all the other privileges only by wearing devoutly the Scapular ; 'tis also very probable, that such a one will not be deprived of the Sabbatine favour, which our Blessed Lady seems to insinuate when having assigned the conditions requisite for the gaining of it, she added these words, If they be not hindered by some lawful cause.—Thomas a Jesu, lib. 2, Confrat. Theo. Strat. cap. 12. n. 19.

If our Blessed Lady had bid us do some great thing, we ought to do it ; how much rather then when she saith, Wear my livery, and you shall not suffer eternal fire ? If she had enjoined us to make great abstinence, to undergo some rigorous mortification, or to undertake a long and tedious pilgrimage, with this condition, that we should be freed from eternal damnation, from the torments of purgatory, and from the many dangerous events which easily do befall us in this life, right reason would dictate to us, that we ought to attempt any thing for the obtaining of so great good ; how much more then, when she had annexed these and many more extraordinary graces, to the reception only, and devout wearing the holy habit of the Scapular, with a final confidence in her powerful protection ? * But you will perhaps, with Naaman, object, What can such a weak thing avail us as the Scapular is ? To this I answer with the apostle, 1 Corinth. i. 27. The weak things of the world hath God chosen, that he might confound the strong. He that made choice of this weak element of water to wash us from the original sin, which is so deeply indicated in us by the prevarication of our first father Adam, hath made use of the weak habit of the Scapular to produce those excellent effects which are mentioned in the chapter following."

Those excellent effects are related (it is worth remarking) in the narratives of six miracles, of which one is preservation from fire, four from gun-shot wounds, and one from a wound inflicted by a poignant.

from one end of Ireland to the other, and it is sought with the greatest avidity possible. It is each day becoming an object of increased anxiety among the lower, the middle, and the higher orders of society.

It would be a difficult matter to discern any difference between the language used in the extract given here from this little work in most extensive circulation, and that which it would be proper to employ, when speaking of the attributes of God; and yet the Roman Catholic bishops permit tracts of this nature to be circulated, because they say, the peasantry are so well instructed, as that they can for themselves correct the passages and change them by an operation of their minds, into something pure and proper; and they say this, while they offer no other security for the true allegiance of these people, than an oath, as if the government are to feel assured that the oaths shall not be subjected to the same process which all other declarations are expected to undergo. The following extracts from the examination of Doctor Doyle, before the Commissioners of Education, will show in a clearer light, the dependence which the Roman Catholic bishops place upon the skill of their "subjects" in altering the sense of words:

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missioners of
Education.
Right Rev.
J. Doyle, D. D.
p. 793.

"By a printed book, intitled, The Rules of the Christian Doctrine Society, which was given to one of the commissioners in St. Mary's chapel in Limerick, by a Roman Catholic clergyman there, that book is professed to be set forth, in which they observe this passage; "An indulgence of 300 days, is given for ever, to all those who with a devout and contrite heart, repeat the three following verses or ejaculatory prayers: Jesus, Mary and Joseph, I offer you my heart and soul. Jesus, Mary, and Joseph, assist me in my last agony. Jesus, Mary, and Joseph, may I breathe forth my soul to you in peace. An indulgence of one hundred days is granted, for devoutly and contritely repeating any of these ejaculations, applicable in both cases to the souls in purgatory. Pius 7th, 28th April 1807, N. B.—This indulgence is gained as often in the day, as the devotion is performed." Have the goodness to explain the nature of the privileges which are obtained by a member of the confraternity, in reference to the paragraph just read?

The privileges as there stated, are an indulgence of 300 days, which I consider ought to be understood in this way, that when canons of penitentiary discipline were enforced formerly, the church often required, before sinners would be forgiven, that they should perform a course of penance, to last a certain number of days or years; now, by the obtaining of this indulgence, the penitent is entitled to a remission of the

Do you conceive those schools which have been shut, have been shut by the influence of the priests?—I believe entirely so.

Lords,
April 26, 1825.
Report, p. 613.

Where the priests have caused the shutting up of the

penance, which, had he lived in the time when those canons were enforced, he would have been obliged to perform, unless it were remitted to him by the bishop.

In your evidence before the Lords Committee, you have distinctly stated, that no prayer is ever offered up to the Blessed Virgin, except in her quality of intercessor?

Certainly.

Does it appear to you, that she is distinguished by that quality in the manner she is here addressed?

Not in the form of the words, but in the mind of the Christian; he knows he addresses the Saviour as his God, and the Blessed Virgin or Saint Joseph, as an intercessor. The prayer is the act of the mind; and when the person makes this distinction, as he always does in his mind, the form of the words he uses is to be understood conformably to the sense in which he uses them. There are none of our people, however poor or ignorant, who do not know that our Saviour alone is to be worshipped as God, and that the Blessed Virgin and Saint Joseph, can do no more than apply to him for us.

"It was a Frenchman who said that *"language was given to conceal the thoughts;"* but it is not uncharitable to say, that the principles and conduct of the Church of Rome may have furnished occasion for such a remark. The simple peasants educated in that Church will, even in the language of prayer, employ, as the signs of their ideas, forms of expression calculated to mislead all who hear them. Their words are addressed to the saint as to God, but their thoughts are free from the taint which the words would seem to indicate. Mentally, they pray to the one, only God, but verbally, they make created beings partakers of his honor. It would be an important acquisition to the state, if Doctor Doyle had communicated a knowledge of "the cypher," by which the prayers and precepts of his Church could be plainly understood. All that is now known is, that the peasantry are taught, that, even in the solemn act of prayer, they may use, in their addresses to the saints, words implying adoration, while, at the same time, if those words are signs of their ideas, they are guilty of mortal sin. Is it not astonishing, that a peasantry so instructed, are not much more addicted to falsehood and perjury than the Irish poor are found to be. Every thing in the Church of Rome seems to be a com-

schools under the Kildare-street Society, have they taken any measures for the establishment of other schools?

They have I believe very generally; and I will mention cases in which I have witnessed the most anxious exertions on the part of the Roman Catholic clergy for the promotion of education; and I feel great pleasure in being able to do so, because there has been a feeling abroad, that the Roman Catholic clergy are hostile to education in general. In my conscience, and by virtue of the oath I have taken, I believe they are not hostile to education in the abstract, but they object to the terms and the conditions upon which it is to be conveyed to the peasantry of Ireland. With permission of the Com-

ment or an illustration of the doctrine of transubstantiation. The mind of the peasant transubstantiates sinful words into prayers which are acceptable to God; adoration of the saints, into respectful supplication. There is, however, one doctrine which the Church of Rome, in prayers like these of which Doctor Doyle has given so imperfect an explanation, appears not unwilling that its children should learn, namely, that the saints are omnipresent; or at least omniscient; and indeed the Irish peasantry have been apt scholars. "What family have you got," said a gentleman in the south of Ireland to one of his poorer tenants. "Not a soul, please your honor," was the reply, "but myself and the blessed Virgin Mary."

It is almost impossible here to avoid noticing one very glaring inconsistency in the practice of the Church of Rome, as represented by Doctor Doyle, in his explanation of the manner in which the incautious language of the bull was to be understood. The language he admits, in word, expresses adoration to the saints, and in the course of his examination he declared, that he would not himself have written such language for the use of his people; but then he adds, that the peasantry are so well instructed, that they can rectify the notions which the incautious language might of itself suggest. Is it not strange that he would not entrust to such a peasantry the language of the Bible—that they may read improper language in catechisms, bulls, and superstitious books, but that they may not read what God commanded to be written for their learning.

mittee, I will produce instances in support of the truth of my assertion. When I was in the town of Westport, a clergyman of the Roman Catholic church waited upon me, to solicit my interference with the Kildare-street Society, to obtain for him assistance for thirteen schools in his own parish; it was in a very wild and deserted part of the country, and I knew him to be a very proper man.

Did you recommend that application to the Kildare-street Society?

I did; and they have granted the assistance so far as school requisites were required.

On the condition of their complying with the rules of the society?

Yes; we never grant assistance except to those persons who answer satisfactorily certain printed queries, including in them the essential and fundamental laws of the societies. But to return to the Roman Catholic clergy, I beg leave to add, that in the town of Loughrea, there is a most excellent establishment for the education of females, under the coadjutor Bishop of Clonfert. I visited the school, and I can say that nothing can be better conducted than that is. In the town of Galway there are either one or two schools under the presentation nuns, who are a class of persons who devote themselves entirely to the education of the ignorant of Ireland. In Cork there is also a very valuable establishment, where there are a considerable number of children educated, I believe upwards of a thousand. In the town of Waterford there is another, under a person of inferior rank in life, it is true, but one who has devoted his time in a most praise-worthy manner to the benevolent purpose of educating the ignorant and destitute part of his countrymen. I inspected that school by his permission, and feel great pleasure in being able to add, that every thing was admirably conducted. I never saw

more order, more regularity, or greater system, than in that school; and there were on the books about six hundred, as far as I can recollect, under the superintendence of a Mr. Rice.

Instead of entering into a detailed account of the different schools to which the witness has referred, it will be, the editor believes, more satisfactory to the reader, to lay before him extracts from the Report of the Commissioners of Education in Ireland, with respect to the institutions which Mr. Donnellan has noticed, as under the inspection of Mr. Rice. The extracts shall consist principally of the examination of Mr. M. B. Dunphy, who was at the head of the school in Dublin, and who, in consequence of the illness of his superior, was summoned to attend the Commissioners of Education. Of this examination, (to the entire of which the Commissioners, in their report, particularly direct attention,) the following extracts may furnish a tolerable idea :

MR. M. B. DUNPHY.

12 Jan. 1825.
Appendix to
Report of Com-
missioners of
Education,
p. 749.

WHAT situation do you hold?—I am director of the Hanover-street Christian schools.

Who appointed you to that situation?—Mr. Edmond Rice, of Waterford, under the inspection of the Catholic Archbishop of Dublin.

Who is Mr. Rice, of Waterford, what situation does he hold?—He is superior of the institute, called The Brothers of the Christian Schools in Ireland.

What is the nature of that brotherhood?—They are instituted for the instruction of poor boys.

Have they taken religious vows?—Yes.

What are the obligations of the vow?—They make a vow of poverty, not to possess any thing as individual property; a vow of chastity; a vow of obedience to the superior of the institute; and a fourth vow, to teach children gratuitously for their lives.

At what time was this order of persons founded?—In the year 1802 or 1804.

By which of the Popes?—In was confirmed by Pius the 7th.

By whom was it founded?—By Mr. Edmond Rice, of Waterford.

Was it submitted to any preceding Pope by Mr. Rice, of Waterford?—To Pope Pius the 6th, and he encouraged Mr. Rice to proceed with it.

In what manner was the Pope's sanction given, by a bull?—
Yes, by a bull.

From whence do the funds proceed that are necessary to carry the purposes of education into effect?

Partly from the children, and partly from subscriptions; the members are supported partly by their own property, and partly by friends who help them on.

Are there any funds of any description belonging to the order?

I know of none, except what the members have for their own support.

How many schools have been founded in connection with this order?

Three in Dublin, one in Cork, one in Limerick, one in Carrick-on-Suir, one at Thurles, one at Dungarvan, one at Cappoquin, and one at Enistymond. The Cappoquin school, although a filiation of the Waterford house, I believe has no connection with it at present.

About what number of children are in each of these schools?

I cannot answer that question, it is too extensive; I am told they have 1,000 at Cork, and 700 in Waterford, and about 500 in Limerick.

You are a director of one of those schools?—Yes.

Where is that situated?

In Hanover street, cast.

How many children are educated in this school?

We had 501, or thereabouts, on the last day the Commissioners were with us.

Do you render an account to Mr. Rice, of any particulars connected with the administration of that school?

Concerning our own temporals, we are entirely under his inspection, and regarding the management of our own affairs.

Does he prescribe the system of education pursued in the schools?

He does, and the persons assisting him.

You see the nature of the examination to be pursued; the Commissioners now propose to administer an oath to you; have you any objection to it?

I wish to oblige you as much as I can, but to take an oath on the subject, I feel myself very much embarrassed.

[Here followed a long examination as to the nature of the witness's objections, which will be found in the Appendix to the second volume of this work. At length, the witness having obtained permission to withdraw, that he might consult with his spiritual directors, returned after an absence of somewhat more than half an hour, and consented

Appendix to
Report of
Commissioners
of Education.
p. 750.

to have an oath administered to him—the examination was then resumed as follows :]

Appendix to
Report from
Commissioners
of Education,

p. 754.

Mr.

M. B. Dunphy.

Have you ever seen tracts of a political tendency in the hands of the children while in the school-room?—I do not understand the extent of the question, or what is meant by it.

Have you ever seen any political pamphlets in the hands of the children while in the school-room?—Not that I recollect ; the books we have returned in the paper, are returned as required of us.*

The requisition of the paper was, as to the books now used in the school or that had been used within a certain number of months last past ; the present question is, whether any books were used in the school, since you were connected with it, except those set forth in the return?—Yes ; there may have been some books used in the school before that.

Can you recollect the names of any books of a political tendency that have been used in the school, and that have not been set out in those returns?—We considered the returns very fair, giving the Commissioners very general information on the subject, and as the time is passed so long by now, I consider it an unnecessary question ; I would be very glad to oblige the gentlemen as much as I could, but I wish the gentlemen at the same time to confine themselves to questions necessary.

It appears to us a very necessary question ; and you must understand the distinction between the existence of the return which called for the books only now in use, and this question, which pointedly refers to works in use antecedent to the present time, but subsequent to your connection with the establishment?—We made it a point to exclude books that we considered bad ; and we do so still, and keep the books from the children.

* In the religious instruction afforded to the children, we collect from Mr. Dunphy's evidence, that it is not unusual to advert to what the teachers conceive to be the errors of the Protestant religion ; and the peculiar and exclusive religious tenets maintained by the Roman Catholics are, as might be expected, impressed upon the minds of the children. A list of the books used in the schools as class-books, and also of those forming a library, occasionally lent out to the boys and their parents, was furnished to us by Mr. Dunphy. It cannot be supposed that we should be able to appreciate correctly the contents of all the books contained in this list, but we feel justified in saying, that there are some, in the latter list especially, which ought not to be put into the hands of children. There are in this collection two copies of the book known by the name of Pastorini's Prophecies, which it is right however to state, Mr. Dunphy says were never sanctioned by the archbishop or by any of his priests, and that he gave directions to have them called in, last spring, about the time the Titular Bishop of Kildare and Leighlin wrote against the book.—*Report of Commissioners of Education Inquiry in Ireland.*

Do you mean to say, you never put books into the hands of children in the schools, except those specified in the return, at any time?—I may have put books into their hands before, but I cannot recollect the time. I do not know what they were.

Mr.
M. B. Dunphy.
12 Jan. 1825.

Are we to understand that you can or cannot recollect the name of any particular book that has been put by you, or any other manager, into the hands of the children; that is not set forth in that return?—We may have put the life of Bishop Fisher and Sir Thomas Moore; the *Elegant Extracts* are, I believe, in the return, I recollect.

Have you ever put into the hands of the children any book professing to narrate the cruelties practised by Protestants upon Roman Catholics?—Doctor Challenor's *Missionary Priest* has been lent to one or two boys, or perhaps more, grown up boys; it belonged to our own library; it was lent to some few boys, and that specifies something of that nature, but it belonged to our own library; having only one copy, we could not make a practice of lending it to boys to much extent; I do not know whether we lent it to a second, I forget if we did.

p. 755.

That book contains an account of missionary priests who were put to death during the reign of Elizabeth?—Yes.

Can you recollect whether any works tending to illustrate the political conduct of England towards Ireland, have been made use of in the school, other than those which have been already named?—I do not know what book you mean; do you mean Mr. Cobbett's books.

Those or any similar?—Mr. Cobbett's reformation has not been used in our schools; yet I am not certain but that one or two of our boys may have read some part of the copies of this work, which we have purchased for our own perusal. We have used Mr. Cobbett's *English Grammar* in school.

Can you state whether any works, professing to explain the conduct of England towards Ireland, have been used at any time within your recollection?—Nothing further than that I can recollect than those books I have already stated; that explains it at full length. Murphy's *History of England*, Murphy's *Geography*, is lent to the boys; is used in the school; every day we use them; I have sent you a copy of every book we use, but the catechism of the *History of Ireland* could be of no use to any one.

The Commissioners have a particular wish to see that catechism?—It may have been used in the school, but we have never used it.

It is in your desk, and the property of the institution?—It is, but not the property of the school; it is our own property.

Has it been put into the hands of any of the children as a school-book?—No.

Have you done more than to lend it to one or two boys?— I have not lent it, to my recollection; I was looking at it on the desk, and a boy may have taken it up.

Has it ever been used by the boys as a book that they were to learn lessons out of?—No.

Subject to those qualifications, will you let us see the book? —Yes.

Of this book the Commissioners, in their Report, give the following character :

There was one other book in the possession of Mr. Dunphy, not returned in either of the above Lists, which he says one or two boys may have read a part of once or twice, but which he states, has not been used to any extent in the school as a class-book; and he adds, "it is not given to the children at present, not from anything hurtful in it, but from having only one copy, we do not use it now." This book is entitled, "A Sketch of Irish History, compiled by the way of Question and Answer, for the use of Schools, printed at Cork, 1818." It appears to be a work of the most objectionable nature, and calculated to keep alive every feeling of religious hostility to Protestants, and political hostility to England. We might easily justify this censure of the work by producing extracts from it; but we forbear, trusting that a better system of instruction, and a kinder feeling towards each other, amongst every class of Christians, will, at no distant period exclude all books of an offensive nature from every institution for education. Mr. Dunphy states, in a letter annexed to his examination, that he did not return this book in the list of those belonging to the school library, although it had by some accident been left in the school desk; and he states that it was not a school book, or belonging to the school, but the property of the brotherhood, and kept for their private reading. We observe, however, that the words, "Christian Schools, Hanover-street East," are written in the title page, and the work itself purports to be printed for the use of schools. —*First Report of Commissioners of Irish Education Inquiry*, page 86.

With this judgment of the Commissioners, the evidence of His Grace the Archbishop of Dublin coincides.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Lords,
May 13, 1825.
Report, p. 788.

WITH respect to schools for the education of the Roman Catholic laity, is your Grace acquainted with the course of instruction, or any of the books used in

those schools?—There have been some books used in those schools, or at least understood to be used in them, and which were printed expressly for the use of schools, and so entitled, that were exceedingly injurious.

Of what date?—When I was in the city of Cork (where I was dean from the year 1813 to the year 1819), there appeared, I think in the year 1815, one book especially printed in Cork, for the use of schools; which was the most pernicious with respect to loyalty, that possibly could be sent among the children of the lower orders of the Roman Catholics. It was entitled, “A Sketch of Irish History, compiled by way of Question and Answer, for the use of schools.” That appeared to me to be so monstrous a book, that I sent a copy of it to one of His Majesty’s Ministers. I have lately met with one in this town, which I have in my possession. The language of this, if it was circulated amongst schools, which it was generally understood to be, must have been the most injurious to the young mind, with respect to loyalty, that can be conceived, for every thing is calculated to inflame and exasperate against England, and against the Protestant religion, and in a way accessible to the meanest capacity.

Is there any name attached to that?—No; there is no name attached to it, but the name given to it in Cork was that of Dr. England, who I believe was afterwards made a Roman Catholic bishop in America. There followed, immediately afterwards, a history of Ireland, on rather a larger scale, and more complete in its form, written by a member of the Ursuline convent in Cork. It seemed to be founded very much upon this, or rather both originally were cast in the same mould, as to the matter, but this one more enlarged and complete, and its object equally mischievous.*

* It is a very remarkable circumstance, that at the time of the appearance of these objectionable books, Doctor Troy gave permission to a Cork printer to publish an edition of the Testa-

From the preceding extracts, the reader may form a tolerably correct notion of the education imparted to the poorer classes of the Roman Catholics in Ireland. The gentry appear to be

ment, containing the Rheimish notes. Publications of a very improper character, appear to have been shortly after the date of that permission, in general circulation among the Roman Catholic peasantry. The following observations are taken from the work of a person, whose statement has the merit of being an account altogether of his own personal observation :

“ Any one who has been a resident in the country parts of Ireland, and who has been driven to the various resources by which the tedium of an inactive life is sometimes beguiled, may have observed, that about seven years since, a considerable change began to take place in the nature of the little penny tracts and ballads, with which the itinerant pedlars were supplied. Whether it was that the priesthood (in opposition to the attempts at proselytism) had the new kind printed, I cannot say ; but the fact is certain, that love songs and stories were no longer the principal wares of the book-venders, and that stories of martyrs’ deaths, and judgments and executions of obstinate heretics, and miracles performed in the true church, were now in very general circulation. By one class of these productions, the animosity of the faithful was whetted against the vile Protestants ; in another, they learned how heretics ought to be treated ; and the miracles lifted their minds high above the region in which missionaries could work to make them proselytes, and sustained them by a hope, that at last, God would fight for them, and exterminate their oppressors. At the same time prophecy, the constant resource of a depressed people, afforded them its consolations. Pastorini, circulated in various forms, verbally and in print, became a favourite study ; and those who could not procure the book, but who were instructed in the principles of it, often gave the members of the Bible Society, hope of making converts, from the readiness with which they received the Testament, of which they scarcely read any part but the Revelations. I remember when a house at my gate, was a place of rendezvous for numbers to meet together and read ; I heard of the meetings, and of the delightful reading with which they were entertained, and I went one night to join them. The book was Pastorini, but the comments were their own ; they had no hesitation to speak to me on the subject. Their world was the country which they knew ; and they could accordingly state where every event was to take place, and how every thing was to be transacted, within one day’s journey of the house in which they were reading.—“ Captain Rock Detected,” page 282.

excluded from, or unconcerned about this important object. The society of which Mr. Rice is at the head, is that which is most active and efficient in the education of the poor; and it consists, Mr. Donnellan intimates, of persons in humble life. Other societies of the same kind are engaged in the same business, and these are all incorporated by bulls of Popes, imposing on the members certain obligations, and imparting to them especial privileges. The instructions given are, as far as can be collected from the evidence, of just such a nature as might have been expected, in a system with which the Irish gentry were not connected, and of which a Pope was the head. The children are taught to believe in the miraculous powers of their church; they are taught the duty of implicit obedience to its commands, and they are trained up in the belief that all who go out from its pale are excluded from salvation. Their political information is of a piece with their religious; they are taught to believe that they and their country are subject to cruel grievances; and they are nurtured in hatred of the country and the religion, to which they are told their sufferings may be attributed. The reader will please to bear in mind, that the principal of these societies was instituted in the year 1800 or 1802, in the town of Waterford, where Doctor Hussey resided as Roman Catholic bishop; and that the design of instituting it had been entertained for some years, having been communicated to Pope Pius the sixth, who died before the termination of the eighteenth century. This may be an important circumstance to recollect, when the reader comes to the perusal of a pastoral letter, addressed by Doctor Hussey to the clergy of his diocese, in the year 1797. That important document, the editor is of opinion, will throw considerable light on the conduct pursued by the Roman Catholic clergy towards their people, adults as well as children; but the remarks upon it shall be reserved for their proper place. In the mean time, to show that the books of instruction condemned by the Commissioners of Education were not accidentally adopted, and to show what views are most prominent in the minds of the Roman Catholic priesthood, when they exert themselves to obtain a controul over the seminaries, where their people are to be instructed, the editor subjoins an extract from the speech of a Roman Catholic divine, delivered at "The Catholic Association" in November last; and also a Motion which was termed illegal, of the same purport as his speech:

Rev. Mr. L'Estrange. "An imputation had been cast upon the Catholic priests, that it was their wish to oppose the progress of education. The late committee had shown the incorrectness of that accusation against them. Those who accused them of opposing the progress of education, must have

considered that the priests were ignorant how mighty a lever education would be in the hands of the lower orders; through its means, they must become fully acquainted with the wrongs which they endured, as well as their own physical powers. The Catholic clergy were the best friends of education, and he hoped that the government would place in the hands of those in whom the people could confide, sufficient funds for the purposes of education. As to the Kildare-street Society, or any other society at present existing for the purposes of education, the people had no confidence in them; they would not believe in their most solemn protestations."

D^o D^o "Gave notice of a motion for a committee of seven, to consider the best means of publishing a cheap edition of the penal laws for circulation among the poor, as well as to procure a French translation of them, in order that it might be circulated on the Continent."

Mr. D. O'Reilly and Mr. O'Gorman objected to this motion, as being illegal.*

Instruction of Adults:

THIS subject shall be considered as divided into two parts; 1st. the influence which the formularies of public worship in the church of Rome in Ireland is calculated to exercise over the minds; and secondly, the manner in which the discipline of that church, and the agency of its ministers, is calculated to affect the people. The importance of having the formularies of worship such as may not only furnish a devotional spirit with suitable expressions, but may also be a means of educating and purifying the judgment and the heart, is well known to all who are acquainted with human nature, and it is accordingly a subject of regret, that, in the service of the church of Rome, only the senses and the imagination may be engaged, and an aimless though perhaps a strong emotion substituted for that reasonable worship, about which true religion should be conversant. Whether the praying in an unknown tongue be the only objection which might fairly be urged against the service of the church of Rome, the following extracts from evidence may serve to show.

REV. MR. PHELAN.

Comm.
May 5, 1825.
Report, p. 533.

Do you know that in Austria, at this day, the service of the church of Rome is celebrated in the language of

* Dublin Morning Post, Nov. 26, 1825.

the country*?—Yes, I know that the German, Roman Catholics have had several privileges conceded to them from time to time; I know too that there is a power,

* The following passage is not more remarkable for the eloquence and beauty of the language in which it is written, than for the truth and accuracy of the description which it contains:

“ There is, however, obviously, one point of difference which ought not, one would think, to have escaped even the discernment of J. K. L. *Our liturgy is in the vernacular tongue.* The prayers which are read by the minister, are intelligible to the people. In the Roman Catholic missal the Latin language is used, and no matter how excellent their public service, it cannot edify the congregation. So that even allowing it to be abstractedly, as fine a thing as J. K. L. represents it, it still can deserve no higher eulogium than Orlando pronounced on his mare, when he said, that she had every virtue under heaven, and but one fault, namely, that of being dead.—Indeed, the simple circumstance of complying with the express requisition of Scripture in that respect, and translating their service into a language that could be understood, has often struck me as likely to prove not only a great improvement to their church, but a great advantage to the country. If their congregations were periodically brought under the influence of gospel truth, even in the degree that it is to be found in the ancient prayers that have been preserved amongst them, I am persuaded that they could not remain the barbarians that we find them in many parts of the country. How often has my spirit been moved, when, in the south and west of Ireland, I have seen myriads of these benighted creatures standing or kneeling outside the doors of their chapels, and sometimes on the opposite side of a river, who were fully and truly persuaded that they were partaking of as much benefit from the service as those who were within. For in what consisted the difference? The people within, indeed, were more engaged by dumb show, their senses were more occupied, but they heard nothing in the service, that could in any intelligible manner, contribute to their edification. They resembled the companions of St. Paul, on his way to Damascus, “ who saw, indeed, the light, and were afraid; but heard not the voice of Him that spoke unto him.” And therefore, it is, that I have not been surprized to see them pass, almost immediately, from the chapel to the alehouse, making “ getting mass ” a kind of preliminary to getting drunk, and conclude a Sunday, commenced with mummerly, always with debauchery, and often with murder. This is the point of view in which I confess, I have been most strongly impressed with the evil of

I have seen it stated that there is a power lodged in the Pope, to dispense with three important rules that make a distinction between Roman Catholics and Protestants, whenever they think the interest of the church would render it expedient, but it is always with that proviso; this dispensing power applies to the giving of the cup to the laity, to the use of their liturgy in the vernacular language of the country, and to the abolition of the celibacy of the clergy.

Do you know that part of the service of the church of Rome is the Gospel and Epistle, such as they are contained in our common Prayer Book?—Very much the same.

If therefore that part of the service was performed in the language of the country, would not the Scriptures be read to the people, at least as much as is contained in those gospels and epistles, in a language they could understand?—Undoubtedly, if it be a rule to read those parts aloud, of which I am not aware. I know that a great part of their service is read in a very low voice; whether gospels and epistles be read so I cannot tell.

Are they not contained in the prayer books in the hands of those who attend their chapels?—The gospels

popery in Ireland. It is not so much for the harm it does as the good it prevents, that it is to be lamented. It is not so much its errors in doctrine, great and numerous as they are, that directly militate against the good of society. But it is the adoption of an uninstrusive worship, which preoccupies their senses at the expense of their minds, and prevents the rays of gospel truth from penetrating and permeating their religious assemblies; producing in the moral world an effect somewhat similar to that produced in the physical, by those huge forests that formerly covered the face of the country, oppressing it by their weight, chilling it by their shade, exhausting it by their bootless luxuriance, and preventing the heat of the sun from exhaling the swamps and the morasses which they concealed, and which were the baleful sources of fogs and pestilence.—“Observations occasioned by the Vindication of J. K. L. 2d Edition, page 68.”

and epistles, as far as the impression on my mind enables me to say, are very much the same as ours; so are the collects. We have, in general, but one collect each Sunday, and that one collect is usually found to be one of the number which may be read in the church of Rome; but some of these other collects are of a quality which I should not approve. I think it is much safer that they should be in an upkown language.

Comm.
May 5, 1825.
Report p. 533.

The cause for which Thomas of Canterbury suffered is known to every body; now Thomas is still worshipped as a saint in the Roman Catholic church, and there are peculiar collects appointed to be read on his festival day. One of the collects is this: "O God, in defence of whose church the glorious prelate Thomas fell by the swords of wicked men, grant, we beseech Thee, that all who implore his assistance may find comfort in the grant of their petitions." It is expressly recognized here, that it was in the defence of the church that Thomas fell a martyr; therefore the cause of the church is to be supposed to remain the same as it was at that time. There is also a Saint Lawrence, who was archbishop of Dublin about the same time that Thomas was archbishop of Canterbury, and exerted himself in precisely the same manner; his anniversary is commemorated by the priesthood throughout Ireland, and in Dublin is a festival of the highest class.

p. 485.

By order of Doctor Murray, the ritual appointed about two centuries ago for the festival of St. Mark, is still observed in Ireland; and in that ritual, one of the petitions of the litany is as follows: "That thou wilt be graciously pleased to humble the enemies of the holy church." It is directed in the Rubric, that in time of war with heretics or infidels, this petition be read a second time, and that there be added to it the following: "And that Thou wilt be graciously pleased to bring the efforts of the heretics (or infidels) to nothing." At the end of the litany it is directed that a prayer to the following

p. 481.

effect shall be read: "Oh God! King of kings, Lord of lords, we beseech Thee humble the efforts of the heretics (or infidels, as the case may be), and crush their power, bring their devices to nothing." In case of a war with France, it would be expected that the Roman Catholic clergy would pray for the success of the British arms, but in the service to which I have referred they would pray for the success of what they would call the orthodox arms against a Protestant state.

Indulgences are granted upon various occasions, on condition of praying for the extirpation of heresy, for the exaltation of the holy church, for peace and concord between Christian princes, and for the other necessities of the holy church.

MOST REV. DOCTOR MURRAY.

Comm.
May 17, 1825.
p. 646.

THE prayer in time of war is nothing more than a prayer that the enemies of the church may not triumph over it?

Is the war alluded to there spiritual or temporal?—With regard to what is said in time of warfare, I do not know the Rubric; but if it be lawful to pray that the enemies of the church may not prevail over it, it is equally lawful to repeat our supplications oftener, and with greater fervour, if there be any war excited against the church.

(*In certain circumstances*) persons may obtain plenary indulgences, by praying for the extirpation of heresy, and the exaltation of the Catholic faith; does not this shew that the civil allegiance of Roman Catholics is subordinate to their spiritual obedience?—I do not at all see how the conclusion can be drawn from the premises. Among the devotions required to be performed for the purpose of gaining the indulgence, the person desiring to obtain it is sometimes directed to pray for the exaltation of the church, that is, that it may be exalted in the minds of all, that the true faith may reign

over every heart; and the extirpation of heresy means the same thing, that is, the removal from the human mind of all obstinate error in matters of religious belief. We know that heresy is an evil set down by St. Paul as one of those things which exclude from the kingdom of heaven; and it is a duty therefore to pray for the removal of that evil from the human mind.

Comm.
May 17, 1825.
p. 647.

Those prayers related wholly to the Catholic faith, without having any meaning prejudicial to the Protestant church?—They do not regard Protestants *any more than any other persons who are not of the communion of the Catholic church*; they are said in other countries as well as in this; and they are to be understood in the manner I have stated.

Thomas à Becket lost his life in the support of a cause which he considered that of justice and of God, a cause which I would not at all venture to condemn; when a saint is canonized it is not supposed that his life had been at all times without stain, but that he had made a happy termination of it, and given the example of great and exalted virtue.

p. 651.

The answers of Doctor Murray are not given here at length, as they are to be found in another part of this work, where they are more fully considered. The object of presenting any portion of them here was, that the reader might have the explanations which were given of the festivals and prayers brought before him by Mr. Phelan's evidence. It appears then, from a review of Mr. Phelan's evidence and Doctor Murray's explanation, that the members of the Roman Catholic church in Ireland, are taught to pray, first, that the enemies of their church may be humbled and their devices brought to nothing. Secondly, that their church may be exalted; and thirdly, that heresies may be extirpated. With respect to the first prayer, it is to be observed, that the only circumstance respecting it which was worthy of attention, the only object for which Mr. Phelan alluded to it, Doctor Murray in his explanation has altogether omitted. He endeavoured "it is true, to prove that it was not likely to excite an uncharitable feeling, and quoted verses from the catechism to prove that all are bound to love, "even those who injure them or differ from them in religion;" but still, he did not explain, why, in the Ritual published under

his direction, he ordered a prayer to be used, "that God would humble the enemies of his church," which was "to be twice repeated *in time of war*." This was the difficulty; why he contemplated an occasion of war in which his religious duties and his allegiance may have clashed, and why he introduced the contemplation of such a time to the minds of the religious members of his community, through the imposing medium of an authorized book of prayer. A religious Roman Catholic reads this book of prayer—he learns from it to think of a time, when the church to which he belongs may be engaged in war, and then, whoever the enemies may be, it is his duty to pray that God may humble them. It has been the declaration of all the Roman Catholic bishops, that their spiritual duties can never militate against their temporal, and yet they publish a book of prayer, in which they instruct the subjects of a Protestant prince, that a time may come, when war shall be waged against their church, and in that war, however their *arms* may be commanded—the *church must have their prayers*. That such prayers should be suffered to remain in the liturgy of the church of Rome in Ireland, can apparently serve but one end—namely, to familiarize the minds of religious Roman Catholics to the thought, that although while the church is at peace they may be dutiful to their king, yet whenever imperious necessity requires, they must pray that their king may be humbled and his devices brought to nothing. This Doctor Murray has not denied or evaded.

2ndly. The members of the Roman Catholic communion are taught to pray "for the exaltation of their church." This according to Doctor Murry, implies no more than that true religion shall reign in all hearts.—It is much to be desired that the explanation were substituted for the thing defined. In the service of the church of England, there is a prayer for the church more definite and edifying in its form of expression:—"beseeching Thee to inspire continually the universal church "with the spirit of truth, unity and concord: And grant, that "all they that do confess thy holy name may agree in the truth "of thy holy word, and live in unity and godly love." This form of prayer is edifying, because it instructs the supplicant in what he should be solicitous to obtain. It is not alone the expression of his pious feelings; it supplies adequate objects for his thoughts and affections; but when prayer is made merely "for the exaltation of the church," it is placing great reliance on the spiritual attainments of the petitioner, to expect, that he will utter his prayer in that refined sense in which Doctor Murray understands it.

Still less likely to be edifying is the third petition, "for the extirpation of heresies," by which is to be understood, it is said, "the removal from the human mind of all obstinate errors in

“ matters of religious belief.” The church of England utters this prayer in language less equivocal and far more instructive, in one of the collects appointed for the Good Friday service.

“ O Merciful God, who hast made all men, and hatest nothing that thou hast made, nor wouldest the death of a sinner, but rather that he should be converted, and live ; Have mercy upon all Jews, Turks, Infidels and Hereticks, and take from them all ignorance, hardness of heart, and contempt of thy word ; and so fetch them home, blessed Lord, to thy flock, that they may be saved among the remnant of the true Israelites, and be made one fold under one shepherd, Jesus Chirst our Lord, who liveth and reigneth with thee and the Holy Spirit, one God, world without end.”

The difference (at least a very striking difference) between the formularies of the two churches is this ; one, in the prayer for heretics, presents to the mind the thought of a number of human beings, children of a universal father, but having strayed from his ways ; and then utters the natural supplication, that God may be graciously pleased to reclaim them from their hapless wanderings : the other calls up the stern thought of heresies by which the Church is injured, and prays that they may be torn up ; but offers no Christian and fraternal petition, that the heretics may be reclaimed. The church of England prays that souls may be saved ; and Roman Catholics are taught to pray, that their Church may be weeded of all error. Thus, its prayers are less edifying, because they are less charitable ; and this, even supposing Doctor Murray's explanation to be correct ; a supposition which however we have no reason to admit. The obvious meaning of the words is, that heresy may be rooted out, whether by flame or sword, as the genius of the old time would command, or by the controversies in which the better spirit of modern days would manifest and exercise power. Doctor Murray declares, that the prayer is understood to imply nothing more than a petition, that God would remove error from all human minds. Now, to judge whether an explanation seemingly so inadequate, be in reality correct, what should be done ? Evidently an appeal should be made to the practice of the people who are taught to make these supplications ; it should be judged by their maxims and habits, whether they pray in the ordinary sense of the words, or adopt the refinement which their bishop has imagined for them. Mr. Phelan declares that the seed is poison ; Doctor Murray, that it is good for food. Which does it produce in the minds where it is sown ? Examine it when it has grown up into thought and action, and see whether the Irish people are disposed to confine themselves in their conduct towards heretics, to an ardent love for their erring brethren, and to earnest prayers that God will recall them to the Church. It would be very irrational to say, that, if

the Roman Catholic people of Ireland, in the aggregate, are found not to love those whom they call heretics, but rather to hate and persecute them; and if the formularies of their church are found to be of a kind which, understood according to the ordinary sense of language, would be thought likely to generate precisely such a spirit as is discoverable in the people for whom they have been compiled, these formularies, nevertheless, had no effect in creating such a spirit, but rather were calculated to excite charitable and Christian affections; and what is the temper and disposition of the Irish Roman Catholics? The editor does not allude to conduct like that of the barrister, Mr. O'Connell, who declared, (because a gentleman chose to exercise the right of private judgment, and act as his conscience directed,) that he felt it his duty to denounce him. In Mr. O'Connell's rank of life, bigotry rarely exacts such sacrifices to duty. Neither will he allude to the Ribbon system, and inquire how the design to murder all Protestants could originate in petitions such as Doctor Murray supposes are offered up; other causes may have produced that dreadful conspiracy; but an example shall be furnished, such as cannot be gainsaid, and it shall be taken from the diocese in which Doctor Doyle resides, a diocese in which colleges and schools are most numerous, and in which, according to the testimony of Doctor Doyle, instructions to children and adults, in chapels and schools, are given zealously and continually. Here then, if any where, the seed of good prayer may be expected to bring forth fruit abundantly, and the love of Roman Catholics for their benighted brethren may be expected to present the most amiable appearance. From the sworn testimony of Doctor Doyle, the character of "his subjects" may in the present instance be taken. On his examination before the Commissioners of Education, he was questioned about "the readers of the Hibernian Schools" (persons whose only crime was that they went through the country, offering to read the Bible for those who wished to hear), and it was demanded whether he had any serious apprehension on his mind as to the effect of such practices. The following is his sworn reply. "The only* apprehension I should have, if they came

Appendix to
Report of
Commissioners
of Education,
p. 788.

* It might have been expected, that the character of the peasantry in Doctor Doyle's neighbourhood, would have rendered it unnecessary for him to promise the reward mentioned in the following passage:

"I heard of a poor man in the county, Kildare, who if I gave him a Bible approved of by the church, would venerate it more than any thing he possessed, but having been favoured by the lady of his master, with one of the Societies Bibles without note or comment, accepted it with all the reverence which the fear of losing his situation inspired; but behold! when the night closed, and all danger of detection was removed, he, lest he should be infected with heresy, exhaled from the Protestant Bible during his sleep, took it with a tongs, for he would not defile his touch with it, and buried it in a grave which he had prepared for it, in his garden!!

into my neighbourhood, would be that the peasantry *might stone them.*" Let the reader compare the character of the Kildare peasantry, which has occasioned such an apprehension in their bishop's mind, with the prayers for the extirpation of heresy, and judge whether Doctor Murray and the peasantry understand these petitions in the same sense.

Confession.

REV. J. DOYLE, D. D.

WOULD a priest think himself justified in case he received in confession a knowledge of an intended crime, to take any measure by which he could prevent the execution of that crime?

Lords.
p. 396.

No, he cannot; more than the means he uses with the individuals themselves.

Could not he warn the person against whom the crime is intended to be committed?

He cannot. We adopt with regard to the secret of confession an expression of Saint Augustin's; his Latin is very bad, but it expresses our sentiment very strongly; "Plus ignorat quod sacerdos a peccatore audit quam quod nescit."

Would not such a regulation, were it adopted, defeat its own purpose, as far as connected with the security of the state, by preventing the habit of confession on those subjects?—Altogether; but by leaving it as it is the abuse of it is impossible; because when a criminal comes, if he should come, to make known his crime to the priest, the latter endeavours to dissuade him from it, if not perpetrated, and to repair, if it be done, the

Should a pious old lady of the society, ever read this anecdote, the hair of her head will start up, the frightful picture of popery pass before her eyes, and she will rehearse devoutly the prayer of the gunpowder plot. Yet I, who have read portions of the Bible every day, these twenty years and upwards, who have devoted many an hour to the study of it, who have often explained it to others, who have collected sixteen or eighteen editions of it in different languages; who like Augustin, find in it infinitely more beyond my comprehension than I can understand; I, who am thus a very Bible-man, do admire the orthodoxy of this Kildare peasant; nay, I admire it greatly; and should I happen to meet him, I shall reward him for his zeal.—Letters on Education, by J. K. L. page 59, 5d edition.

injury he has committed, as far as it is in his power. If, however, it were once allowed to the priest to reveal the confession, under any circumstances, no criminal would come to him.

REV. M. O'SULLIVAN.

Lords,
May 27, 1825.
p 929.

HAVE you any knowledge of the influence exercised by the Roman Catholic priests in matters concerning the administration of justice?—It appears to me that the system of auricular confession renders the obtaining evidence, and discovery of crimes in Ireland, much more difficult. The pain of mind attendant on being the confidant of a guilty secret, is completely removed by having an opportunity of communicating the secret to the priest in confession; and, as he does not make it a condition of absolution, that information shall be given of the crime committed, there is a tendency to lessen the people's regard to justice, and to increase that dislike to the name of an informer which is so generally felt throughout Ireland.

Have you known any instances of their interference, in which the purposes of justice have been hindered?—A person communicated to me, that having inquired of the priest at confession, whether it was criminal to carry on an illicit trade in spirits, the answer was, that it was not criminal; and, in consequence, the trade was continued. My informant was, in my opinion, a person of perfect veracity. It was communicated to me also, that the interference of a priest prevented the discovery of some very important information in the county of Lime-rick. The person who informed me of the circumstance give me permission, if necessary, to mention his name. The information was, that a prisoner under sentence of death had expressed his readiness to give information which might be important to the peace of the country; and while he was speaking in this manner, and ready to communicate his information, the priest came to visit

him; the persons to whom he was about to communicate the information withdrew; and when they returned, the man stated that he had made disclosures to the priest, and it would be for him to disclose what he thought fit; but that he, the prisoner, would not communicate to them any further information.

RIGHT REV. JAMES MAGAURIN, D. D.

ARE not the parties, who commit a murder, generally known to the priest?

Comm.
March 25, 1825.
p. 273.

I do not think they are.

Supposing it were stated to him in confession, would the priest think it consistent with his duty, to divulge any part of a communication which was made to him in confession?

I do not think he would.

Supposing he was made acquainted with an intention to commit murder, in the way of confession, would he think himself authorized to make any communication upon that subject?

He would exert himself to prevent the crime being committed; but any communication made to him, in confession, is inviolable, he cannot divulge it.

Supposing it related to a crime not actually perpetrated, but about to be perpetrated, in that case is the communication made inviolable?

If a crime is intended, and if it is made known to him in confession only, he cannot divulge it; he is to use his influence with the individual, so far as he can, to prevent the crime being committed; but what he hears in the way of confession is inviolable.

Would he be authorized to give notice to the party whose life might be in danger?

No, I do not think he would; we believe it is of divine institution, as such inviolable in its secrecy,

Might he not disclose so much of it, as would prevent

the perpetration of the crime, without committing the person who has made the confession ?

He could not divulge any part of it; it is his duty to prevent, as far as he can, the crime.

A priest would not make it a condition of absolution, that information should be given to a magistrate, and this, although the case may be one of those in which the law of the land regards concealment of the crime as a capital offence. The priest would not command information to be given, because it is alleged, the character of an informer is so odious in Ireland, as to endanger the life of him who bears it. It is a question of some interest, whether the character of an informer could continue odious, if penitents were instructed to do what the law requires; and it is also a question, whether such a character could be accounted base, if there were no institution like the confessional, to interpose between the law and the people, and to give the troubled mind an opportunity of obtaining all the comforts of religion, while it retained its purpose of being disobedient towards the state. Every one can understand what a heavy burthen it is, to bear the consciousness of crime; how distressing it is to be the confidant of a guilty secret; but in Ireland, among the Roman Catholics, that pain is not understood, because a ready mean is applied to free the conscience, and to disembarass the labouring mind. Thus, then public opinion becomes more decidedly opposed to the law, and corrupt motives are attributed to the act of giving public information of a crime, because the pain of mind, in which such an act might naturally originate, is little felt or understood. But if the penitent had not the means of unloading his breast, which are afforded him in confession, the principles of human nature would act upon him according to the ordinary laws, and the result must be salutary to society and public morals. In like manner it is evident, that if, throughout Ireland, the priests directed, that the penitent should communicate his knowledge of hidden crimes to the proper legal authorities, (unless the church of Rome relies upon a very unhappy foundation) the consequence to be expected is, that the character of an informer would cease to be so odious, as it is at present esteemed, and those abominable confederacies which make treason more formidable than the law, would soon be broken up. From considerations like these, it naturally follows, that in order to have proper laws enacted for the government of Ireland, the legislators should take into account, that they are not to contemplate as their object, the principles of human nature, but these principles, warped and modified, and counteracted by the agency of an institution over which the legislators have no controul; and, as the priests

are still to retain their privileges, Ireland should no longer be governed by laws which were constructed on the principle that no such privileges could interpose to defeat their operation.

The truth is, however, that the great objection to the system of confession (politically considered) in Ireland, is, that it familiarises the minds of Roman Catholics, to the notion that their church is opposed to the established government. A man confesses a crime, or his knowledge of a crime, for his concealment of which, the state would inflict capital punishment upon him; and yet, while he is thus guilty in the sight of the law, the priest desires him to depart in peace, and assures him, that he is guiltless before God and the church. Thus the penitent is taught that however prudent it may be to respect the law, yet it is only where his church defines sin, that he is to feel his conscience bound.

Whether the instructions and exhortations delivered during the confession, have any more direct tendency to confirm such a notion, need not be considered here. Sufficient information upon the subject has been given, when a Roman Catholic bishop declared, that a man who was guilty of a capital offence, or rather who was actually in the commission of a capital offence against the law of the land, would be, while determined to commit the crime, absolved by the priest. A man who declared his intention to commit a murder, would not be absolved, but absolution would not be withheld from the person who declared an intention to conceal his knowledge of murder or treason; and thus, Roman Catholics are instructed in the confessional, that the priests do not consider the mere act of disobedience to the state, in the light of a sin. Is it wonderful therefore, that with all the remembrances which cling around the peasantry of Ireland, this instruction from the priest, should impede the growth of a constitutional feeling among them, and should render the character of an informer odious.

This may serve to account for a circumstance stated in Mr. O'Connell's evidence, where it is said, that instances have occurred, in which Roman Catholic priests have been threatened and even assaulted, for attempting to dissuade their people from connecting themselves with illegal associations. To the same purport, is the following evidence of the Right Rev. Doctor Magaurin.

Is it not the fact, that if a Catholic clergyman takes a part in controlling the laity, when disposed to commit insurrectionary acts, he is always liable to be considered by them as in some degree a traitor to their interests and their cause?—There are many instances of it.

Comm.
Mar. 25, 1825.
Report, p. 279.
Rt. Rev.
J. Magaurin,
D. D.

If the Catholic clergyman, when the country is quite disturbed, remains quite neutral, is he not then consequently exposed to be censured for lukewarmness, and a tacit assent to the irregularities that are going forward?—He is considered lukewarm by one side, and perhaps the reverse by the other.

Is it not the natural explanation of this phænomenon to say, that the people are disappointed in their priests? They suspect them of being “traitors to their cause,” they consider the act of preaching subordination to the state, as treason against them; and how could this be, if such preaching were usual? In the pastoral address of Doctor Doyle, the reader will find that he alludes to his exertions during the preceding years, as a proof that he is guiltless of the people’s blood, that the doctrine which he teaches in the pastoral, he taught from the altar, and in the confessional, for three years past; and accordingly no one has accused Doctor Doyle of treason to the people. Is it not fair therefore to conclude, that when the priests are so accused, it is because the exhortations they usually give, are not of such a nature as to counteract the impression which the system of instruction in the church of Rome, is calculated to produce upon the mind, namely, that offences against the state, are not *sins*, and that wherever they can be perpetrated safely, they may be engaged in conscientiously. It is by attending to this conclusion, that a very extraordinary declaration already laid before the reader, may be fully accounted for. In his examination before the Committee of the House of Lords, Doctor Doyle replied to an important question, as follows :

Lords,
p. 506.
Rt. Rev.
J. Doyle, D.D.

INSURRECTION is one of the offences for which a bishop might excommunicate?—He might do it with great propriety; we conceive any revolt against the state, as one of the most grave of offences.

Now the reader will find by Doctor Doyle’s pastoral address, that no such sentence was pronounced against the Ribbon men; he will remember the declaration to Mr. Robertson, that no such censure would be pronounced, though rebellion raged from “Carrickfergus to Cape Clear,” and that, even though an excommunication were fulminated, it would not be regarded; he will see that this declaration is important not only in itself, but as it proves that the supineness of the Roman Catholic bishops during the disturbances, by which the country and their religion was disgraced, was not accidental; he will see that the conduct of the bishops towards “their subjects”, and the address of

Doctor Doyle to Mr. Robertson explain each other, and prove that the neglecting to excommunicate was not casual but systematic; and how is all this to be accounted for so well, as on the supposition that the people were so instructed by the private exhortations of their priests, as to understand, that if the church issued a public censure, it was insincere, and should not be regarded. Thus, from considering the nature of confession, as explained in the evidence of Doctor Magaurin and other ecclesiastics in the church of Rome; and from considering Doctor Doyle's declaration, the same conclusion may be drawn.

It is said on the one hand, that a criminal will be absolved from all his offences, although the priest knows that he firmly purposes to commit a capital offence against the state, namely, to conceal his knowledge of treason. From this it is natural to infer, that the absolved penitent must (finding that his priest required no obedience to the laws,) soon have the conviction established in his mind, that his conscience is in no way concerned in the submission which the state requires; that conscience binds only where spiritual obedience is paid, and that where the connection is of a temporal nature, actions may be errors but not sins. It might be inferred, that in such a state of feelings and opinions a peasant would be much perplexed, if his bishop pronounced a solemn anathema against all who rose in armed insurrection, the impressions which had been established in his mind by the instructions given in confession, being disturbed but not displaced by the new exercise of authority. Such would be the inference of one who read the evidence delivered with respect to the nature of confession, and pursued that evidence into the conclusions to which it led. Again, supposing an inquirer to begin with Dr. Doyle's important boast or acknowledgment, (whichever it may have been) and to demand why would the heavy malediction of the church be so lightly regarded? why would it be "as a spent thunderbolt," which Dr. Doyle says, the people might gaze at, but which they would not dread? If these questions be demanded, the answer must assuredly be, (unless the Roman Catholic bishops admit that they have lost their power), that the excommunication would be inefficient, because the people have been taught to disregard it; because the church of Rome has one language to be whispered, and another to be loudly proclaimed; because it has one set of instructions to be disseminated through the confessional, and another to be posted on the gates, that those may read who run; and because the people are thoroughly instructed, that the directions of which no boast is made, are those by which they are to be guided. It is rather a curious circumstance, that two persons, one reasoning to causes from Dr. Doyle's declaration, and the other to effects, from Dr. Magaurin's evidence, would meet in the same conclusion. If this conclusion

be just, it is true that the system of confession has a tendency to lead Roman Catholics into a notion that offences against the state are not sins, and that it is of the church or its bishops they are to consider themselves properly the subjects." J. K. L. instructs them that " laws of tribute do not bind the conscience. The confessional, according to Dr. Magaurin's evidence, instructs them that penal laws, except where they coincide with ecclesiastical discipline, do not bind the conscience ; and the effect of such instructions on uneducated minds must necessarily be, that in the spiritual obedience which is due to the church, conscience and the priest's word must enforce perfect submission ; and that, in the temporal obedience which the state requires, prudence and the necessity of the circumstances are to be sole arbiters of the conduct which Roman Catholics shall observe.

An illustration of this truth may be given from the evidence of a Roman Catholic bishop.

RIGHT REV. J. MAGAURIN, D. D.

Comm.
25 March 1825.
p. 274.

SUPPOSE the case which was put to you, of an individual who had engaged in a conspiracy to commit murder, being penitent and confessing that intention, should you consider that that individual had made adequate atonement for the contemplated offence, if he abstained from giving that information to the person whose life was menaced, which could enable that person to avoid the danger ?

Unless he take advice, and use the means in his power in order to prevent the crime premeditated, he is unfit for absolution.

Unless he used all the means in his power, including notice to the individual threatened ?

Yes.

And swearing an information before a magistrate ; would the priest say to him, It is your duty to go to a magistrate, and lodge an information against the parties ?

I do not know whether he would state that, because, from the state of the public mind in Ireland, a man's life might be endangered, by doing so ; but he must use every

consistent means, in order to prevent the crime being committed.

Who is to be the judge of that discretion, as to what means he ought to use?

The individual himself; the priest may give his advice, as to the means that may be most efficacious and advisable.

Do you or do you not consider, that a man who is engaged in a conspiracy to take away the life of another, is bound, at all risks to himself, to do what he may physically be able to do, to prevent the commission of the crime; or do you think he would be justified in abstaining from saving the other, in order to avoid personal danger to himself?

Comm.
25 Mar. 1825.
p. 275.

I think he ought to save the life of the other, as far as he could; but I do believe that self-preservation is the spring of all actions; and it is a doubt with me at present, if, for instance, he felt that he was to be murdered himself, whether he should do it; but I know this, that he is bound, so far as he can, to prevent the commission of the crime.

It is here given in evidence by Doctor Maggurin, that a man would receive absolution for his sins, although he did not mean to act as the law of the land requires, by communicating his knowledge of treason to the proper authorities. It has been also stated, that the persons engaged in insurrectionary combinations, were bound to absent themselves from confession; that is, were bound to disobey a commandment of the church of Rome—which is to make confession of sins, at least once a year. According to Doctor Doyle's pastoral address, the men so bound were excluded from the sacraments. Supposing then, that an individual came to confession, who said, "I am acquainted with the nature and designs of a treasonable conspiracy, from which I have however detached myself, but I dare not (as the law requires) give information to the magistrate," the priest would grant him absolution; but if he said, "I am so bound, as that I do not mean to comply with the demands of the church by confessing my sins during the next year, he would not receive pardon and remission; and from this, what can the penitent imagine, but that his church does not sanction the law of the land, inasmuch as if it did, it would punish its violation, as it punishes disobedience to its own commands.

Another illustration perhaps ought not to be omitted. A priest attends a man condemned to die for treason, and absolves him from his sins, and satisfies him that he is soon to enter into heaven, although the man declares himself acquainted with secrets, which the law regards it is a capital offence not to disclose. Thus, the priest gives the most solemn assurance, that offences against the state are not sins; but, if that man had sent a beloved child to a school, of which the priest did not approve, and if he could not be convinced that danger to the principles could arise from reading the Douay bible, and if, in consequence, he refused to deprive his child of the benefit of instruction which might be a means of saving him from his parent's wretched end, that priest, who tells the man not to be concerned at his disobedience to the law of the land, who tells him, that in offending against the law he is not committing sin, if he refuse to obey the mandate of the church, if he refuse to sacrifice his child — will tell him to despair.

Let confession then be regarded, not so much with reference to the secrecy which may be its proper accompaniment, as to the conditions upon which absolution is granted; and when it is found, that to disobey a priest is represented as deserving of damnation, and that concealment of treason is not taught to be a sin, let it be judged, whether the church which trains up its members in such a belief, is not (as far as it can safely exercise its power) communicating principles of disloyalty, and making preparations for rebellion.

It is not, however, in the confessional alone, that the priests so conduct themselves, as to confirm in their people's minds, a belief unfavourable to the growth of loyal principles. The following evidence of Doctor Magaurin has reference to a transaction in which a clergyman of the church of Rome instanced, in his own person, the same indifference with regard to the duty he owed the government under which he lived, as it appears the tendency of the instructions in the confessional to produce in the minds of uneducated Roman Catholics.

RIGHT REV. JAMES MAGAURIN, D. D.

Comm.
25 March 1825.
p. 278.

Do you recollect any instances where a Catholic clergyman has declined giving testimony with respect to a crime, committed in his presence, or within his knowledge, upon other grounds than that he had received the knowledge of it at confession?

I do not exactly recollect; I think I have heard of some circumstances in the south of Ireland.

What were those circumstances ?

I do not know that I have it clearly in my mind.

Do you recollect a trial for the murder of a person of the name of Brierton ?

I did not hear of the trial ; but I heard of a clergyman said to have been present. I did not hear of his being called on the trial ; I heard of an arrest, and I heard of his release.

You did not hear of his having declined to give testimony of what he had witnessed ?

I think I did hear that he had refused it ; but I think it was not on the score of confession, that had nothing to do with it ; but it was rather on political principles ; that it would be depriving him of a useful influence for promoting the tranquillity of the country, should he be called upon to give information with regard to a number of persons that were there, who perhaps belonged to his own people.

Do you not think, that a Catholic clergyman or any other person, who was on such a ground to decline giving evidence which might lead to the conviction of the person or persons charged with a heavy crime, would take a very erroneous view of his duty ?

I do think his religion has nothing to do with this question ; I think it was a matter of state policy more than any thing else, and I think it was a wise course not to press it.

The Committee take the liberty of asking, however, whether, in your opinion, he did not take an erroneous view of his duty, in declining to give that evidence which he was called upon to give ?

I do not think his duty, as a clergyman, called upon him at all ; he conceived, I suppose, as many others have conceived, that, in the troubled state of the country, it would be injurious to its tranquillity, if he was pressed to give information.

Do you consider, that the objects of peace and public tranquillity would be better promoted, by the exercise of his personal influence, in the manner you have described, or by the conviction of the person or persons who had committed a crime so atrocious as the murder of Mr. Brierton was?

I am at a loss to know; but I think it might be so.

Are you aware, whether Mr. O'Sullivan was sworn, before he declined relating what he had witnessed?

I am not aware of that.

Comm.
25 March 1825,
p. 279.

Are you aware that that Roman Catholic clergyman interposed personally, at the risk of his life, to prevent the commission of that murder?

I do believe he did.

The editor has no intention whatever to question the purity of principles on which Mr. O'Sullivan refused to obey the law. He may have had weighty reasons to urge in his justification; but still the example presented before the minds of the Roman Catholic people was, that their priest had not felt himself bound by any sense of duty to comply with the enactments of public justice. After witnessing such an example, an illiterate peasant could not easily be persuaded that conscience was at all concerned, in the manner in which he conducted himself towards the state. The question to be decided by a Roman Catholic priest, placed in Mr. O'Sullivan's circumstances, was, not whether a few guilty persons should be convicted or should escape, but whether the peasantry should or should not learn the obligations which every subject owes to the state under which he lives. Doctor Magaurin declares, that the priestly character was in no respect concerned in the determination to give or to withhold information; that is, a man whom the slightest sin, unconfessed and unatoned for, ought to restrain from offering the sacrifice of the mass, might exercise all his sacerdotal functions, although persevering in offences for which the laws of his country would exact the forfeit of his life; and in choosing to commit or to refrain from such a crime, Doctor Magaurin declares, that the character of a priest as such is in no wise concerned. Declarations and conduct of this nature are well calculated to produce an impression, that the ministers of the church of Rome in Ireland habitually regard the law as a code enacted by a foreign state; in which they respect the moral laws for their own sake, and the "positive" only so far as force con-

strains them to submit. Slight expressions, unnoticed by the speaker, sometimes indicate the cast of thought to which he is most accustomed. An instance of this kind shall be given here.

THE REV. W. O'BRIEN, D. D.

PARISH priest of Doneraile, in the county of Cork, imagining that his character for loyalty had suffered by some evidence taken before the Parliamentary Committees, in the year 1824, attended as a witness in 1825, for the purpose of clearing himself from the aspersions which he thought had been cast upon him. He stated that having been applied to by Lord Doneraile, and requested to attend a criminal who said he had information to give to him alone, he answered as follows: "I said I found myself in a very critical situation, that, as a Roman Catholic clergyman, the people of the country had great confidence in me, and that they had confidence in that secrecy, which I ought to observe, in any matters that were communicated to me. It was remarked, that this was not a business of confession. I said no, but it was a business connected with the confidence the people had in the Catholic priests." Mr. O'Brien, however, visited the criminal, and reports the following as part of the dialogue he held with him. "I said as to that (*prosecuting deluded creatures whom the culprit had furnished with arms*) I must leave it to himself, but I said I think you would do a good act by prosecuting your associates." In reply to an expression of the criminal, that his party among their other designs, wished to free themselves from tithes and taxes, "We (Doctor O'Brien and his curate) said, what do you mean by taxes.—*They* cannot do without taxes."

Comm.
May 10, 1825.
Report, p. 585.

This little word "*they*," by which the government was designated in the conference with an insurgent, and which was so ordinarily used as to be employed even before the Committee of the House of Commons, indicates, it may be said, the tendency

which prevails in the church of Rome in Ireland, to regard England as a foreign country.

It would appear as if from this evidence of the parish priest of Doneraile, considered in connection with that of Doctor Magaurin, the nature of the intercourse which the Roman Catholic clergy maintain with their people can be fully understood.

Mr. O'Brien declares, that the people have a right to depend on the secrecy of their priest in every thing they communicate, though the communication may not be confessional; he declares, that although it would be a good act to prosecute to conviction the disturbers of the country, yet to perform that act, or to refrain from it, was to be left to the discretion of each individual, and was not an act which it was a priest's duty to recommend; and his evidence intimates, that, in conversing with insurgents, it was his ordinary practice to identify himself with the malcontent members of his church, and to speak of the government in the same manner as persons ordinarily speak of a foreign power.

Of the circumstance to which reference is made in Doctor Magaurin's evidence, the following is a brief account: Mr. O'Sullivan, a Roman Catholic priest, received a message, informing him that a large body of the peasantry had seized on a Mr. Brierton (who had volunteered at a time of great danger to convey His Majesty's mail), and were likely to put him to death. In consequence of this message, Mr. O'Sullivan exerted himself with the peasantry, and succeeded in extricating their victim from them; but shortly after, on his way home he was overtaken, Mr. Brierton was torn from him, and cruelly murdered: Mr. O'Sullivan, when called on, refused to give evidence; and Doctor Magaurin declares, that, in refusing, he had done nothing contrary to his duty as a priest; that is to say, a Roman Catholic priest, even when not bound by religious engagements, may disobey the laws and defy the government, and then, without repentance, administer and receive the sacraments.

Miracles.

MAJOR WARBURTON.

Lords,
May 27, 1824.
Report, p. 189.

IN your district have the supposed miracles in Dublin had any influence on the minds of the people, like that which the prophecies have produced?—I think the people all believe the miracles; and different statements of those miracles have been printed in a great variety of shapes, and cried through the country; I have heard persons crying them through the streets in many places.

What reason have you to suppose they have had any exciting influence or any influence at all, on the minds of the people?—I have seen several of the statements, and they all refer to the particular period at which this interposition in favour of the church occurred, and, as far as that goes, it was to a certain extent, corroborating the prophecy; that was the view I took of it at the time. They have had thanks returned for those miracles at the chapels, I understand,

Where and in what form were the public thanks returned, and by whom?—There was one instance in which I understood there was a high mass celebrated at Ennis, in the county of Clare, returning thanks for one of those miracles. I heard there was a letter from Doctor Doyle to them, communicating the miracle.

Lords,
May 27, 1824.
Report, p. 190.

D. O'CONNELL, ESQR.

IN the case of the miracle Doctor Murray proclaimed, the lady herself must be guilty of perjury, or she recovered with the most extraordinary rapidity. The fact, in my belief, depends upon the credit belonging to her.

Lords,
Mar. 11, 1825.
Report, p. 263.

Has the belief of those miracles been in any measure countenanced by the court of Rome?—Of the miracles in Ireland I believe not. I understand that the court of Rome has discountenanced what are called Prince Hohenloe's miracles. I know that in the published correspondence between him and the Pope, he got no sanction at all, but the contrary. It is the uniform practice of the church of Rome to discountenance the belief of particular miracles.

RIGHT REVEREND J. DOYLE, D. D.

ARE the miracles of Prince Hohenloe generally credited in Ireland?—I believe they are generally credited.

Lords,
Mar. 21, 1825.
Report, p. 398.

Are they considered by Roman Catholics as evidences of divine favour towards that church?—I was personally concerned in one of them. I have considered that an

instance in which the Almighty was pleased to interfere, and shew his mercy to the individual who was afflicted.

Is it not likewise considered as a proof of the intention of the Almighty to interfere for the recovery of the Roman Catholic church from its present state of oppression?—As a proof that the Almighty has watched over a faithful member of that church.

Have those miracles been acknowledged by the court of Rome?—The court of Rome has taken no cognizance of them.

The circumstances of the recovery of speech, which Dr. Doyle dignified by the name of a miracle, according to the account contained in the pastoral address in which he proclaimed it, were simply these:—A young lady, retaining perfect possession of all her senses, (a fact which, in his application to Prince Hohenloe, Dr. Doyle thought it not impertinent to mention,) had not been heard to speak, and had represented herself as unable to speak for a space of six years. As there was no defect in the organs of utterance (*no defect is mentioned*), surgical aid was unnecessary, and medical assistance was unavailing. Dr. Doyle having learned the circumstances of this case, applied to Prince Hohenloe for his interposition, acquainting him with the nature of the young lady's malady, and with her entire devotedness to the discipline and the doctrines of her church. The Prince, in reply, promised his prayers, *but did not promise a miracle*, directed that the lady should, for nine days, make supplication to God, and offer some devotion in honour of St. John Nepomascene; and, on the tenth day, should, at the same hour with the Prince, (after having confessed, and received the sacrament,) offer up fervent prayers for her recovery. The directions were (as far as was found necessary) complied with; the nine days devotion—the mass—the sacrament—but the prayers after the mass were changed into thanksgiving, for, at the instant of receiving the sacrament, she recovered the power of speech. This is the account which appears, sanctioned by the authority of Dr. Doyle, and certainly it indicates no agency (even admitting the absence of imposture,) which may not have been perfectly natural. It was very natural, that medical and surgical aid should have been found unavailing, because there was no corporeal defect or infirmity to be relieved; and it was equally natural to expect, that, in the case of such a patient as Dr. Doyle describes, religious enthusiasm might be found the best medicine, and the priest who was able and willing to direct it, the best physician. Of this cure, Dr. Doyle declares, in his pastoral address, that it

" exhibits a prodigy only different in kind, but not inferior in magnitude, to the raising the dead to life."

As to the design of this cure, and of the proclaiming it a miracle, the evidence of Dr. Doyle does not give sufficiently full and distinct information, but the pastoral address will be found amply to supply the deficiency—" Signs and wonders are not necessary at all times, nor in all places, yet they have never ceased in the church of God"—" but in our times it is meet that signs and wonders should, in some degree, revive, because error has pervaded the earth, and the very foundations of the faith have been assailed. Hence it is just, that the Lord should arise to judge, as it were, his own cause."—" Our religion is traduced, our rights are withheld, our good name is maligned, our best actions are misrepresented; crimes are imputed to us, against which our very nature revolts; our friends are silenced, and our enemies insult us, and glory in our humiliation. It is meet, therefore, that He, for whose name and faith we suffer, should cast upon us a look of compassion, lest we faint in the way, or be overcome by temptation—that He should comfort his people, and renew to them, by visible signs, an assurance that he watches over them, that a hair of their head will not perish, and that, possessing their souls in patience, they may expect his return to wipe away every tear from their cheek, and fill them with that joy which no one can take away from them." *

The Editor offers no comment on this passage, nor on the assertion, that it was incumbent on the Almighty to work miracles in favour of the Roman Catholic church, and to work them as a consolation for the obloquy which a most extensive and abominable conspiracy, confined exclusively to the members of that church, had brought down upon their religion. It should not, however, be suffered to pass unnoticed, that in the spring of the year 1823 (in the summer of which year the pastoral appeared,) the disturbances, which seemed to have been suppressed, broke out afresh, and in a manner most unexpected and unaccountable.

Marriage.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Does any ecclesiastical censure attend the operation of a Roman Catholic marrying with a Protestant?

Lords.
3 May 1825.
p. 684.

The marriage, if celebrated by a Roman Catholic clergyman is, as I understand, by the law null and

* Pastoral Address.

void, and the children are altogether illegitimate. But the Roman Catholic clergy in Ireland avail themselves of every opportunity in late days (as far as I have been informed) of celebrating such marriages. The effect of that has been a considerable increase to the number of Roman Catholics; and in that way very materially, and perhaps principally, the number of Roman Catholics has been of late years increased; for it hardly ever fails amongst the lower orders that the Protestant yields, especially in the case where the Roman Catholic is the female, and the children are, with very few exceptions, brought up as Roman Catholics. The law has denounced a very severe penalty upon the priests committing this act. Formerly it was capital; but by a later Act of Parliament, the penalty of a fine of 500*l.* has been attached to the commission of it. The old law remains, I believe unrepealed; but I understand the penalty of 500*l.* is that which is now fixed by the law of Ireland. Notwithstanding this, the Roman Catholic priests seldom lose an opportunity of marrying a Protestant and a Roman Catholic in the lower orders, wherever it is afforded to them. The clergy have been put into great difficulty by the prevalence of this practice.

Lords,
3 May 1825.
p. 685.

Is not a Protestant going to be married required first to undergo the rite of baptism in their church?

No; I do not know that to be the case. There was an instance of a marriage of the kind alluded to, which brought me into great difficulties since I came to the see of Dublin. It took place in a parish called Rusk, which is about seven miles from Dublin. The clergyman of the parish came, I think, about two years ago, to inform me, that the whole of his parish was thrown into the most violent commotion by the marriage of a Roman Catholic with a Protestant, celebrated by the Roman Catholic priest. The man, he said, was the Protestant; that he had been a considerable length of time endeavouring to prevail upon the Roman Catholic priest

to marry them; the woman, to whom he was much attached, would not be married but by the priest; that the priest for some time refused to marry them, alleging that he could not do it on account of the severity of the law, by which he would be subject to a penalty of 500*l.*; that for some weeks the man was brought frequently with the woman to the priest's house, and during that time continually urged by the priest to become a Roman Catholic, as the only means of enabling him to perform the marriage; that the man persevered in refusing, and when the priest found that he could not prevail upon him to make any change, he then no longer urged the bar thrown in his way by the law, and married the couple. That this had given much offence to some respectable Protestants belonging to the parish, and created some commotion, and that he felt it necessary to consult me upon what was to be done. He gave me an exact description of the whole transaction in writing, which I took with me to a very eminent person, whom I knew to be highly influential with the Roman Catholics, and laid it before him, stating, that it would be exceedingly unpleasant to institute any public proceedings on these facts, for that it would raise a name amongst the Roman Catholics, if the priest were prosecuted for the offence, and that at the same time, I felt I could not possibly allow the matter to rest; that the clergyman found himself much discredited in the parish, for having passed it over so long, and that the fact having been communicated to me officially, it was unavoidable that I should act upon it in some way. I therefore requested this gentleman to interfere to have the priest at least removed from the parish, which was the more easy to effect, as he was not the regular curate, but merely a temporary substitute for the curate, who was absent on account of sickness. This gentleman applied to the Roman Catholic archbishop, and by his order the person was removed from the parish; but in about a fortnight

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3 May 1825.
p. 686.

or three weeks afterwards, the clergyman of the parish returned to me, and described the parish as in great commotion. A report had been universally credited amongst the lower Roman Catholic population, that the Archbishop of Dublin had got hold of this unfortunate priest, and thrown him into prison, in Dublin, and that this was the cause of his disappearance; that the priest had, however, suddenly re-appeared, to the great joy of the people; that there was much agitation in the parish, and that he thought it his duty to report to me the state in which things were. I made a second application to the gentleman through whom the priest had been before removed, and through his interference, as before, this man was a second time removed by order of the Roman Catholic archbishop, who, as I was informed, was much offended at the conduct of the priest, in having returned to the parish in disobedience of his former order. The priest, however, returned again in some weeks after this, as was reported to me officially by the clergyman, who stated, that on his return, great multitudes of the populace collected together from the surrounding country and kindled bonfires on the hills, shouting with joy that their worthy priest had escaped from the fangs of the tyrant. Considering the state of the country, I thought it prudent to acquiesce; I took no farther steps, and the matter was suffered to drop. I have mentioned this case particularly, both to show the difficult situation in which the clergy of Ireland are placed, and also to show that, with full knowledge of what the law denounces, the Roman Catholic priests in Ireland do not fear to celebrate marriages between Protestants and Roman Catholics, where no previous ceremony had been performed by the Protestant clergyman. As far as I have been given to understand, this has become of late years frequent in Ireland, and so much so that now any attempt made by individuals to support the law in that particular, is become exceedingly unpopular. The very counsel,

as I was informed at the time, who conducted the prosecution carried on by a clergyman in the west of Ireland, against a priest who had transgressed the law in this particular, thought it necessary, in his pleading, to express his sorrow that he was obliged, in the discharge of his professional duty, to proceed in support of so bigoted a measure as the prosecution of this individual.

In case of Roman Catholics marrying Protestants, being married by a Protestant minister, are they visited by their priests with any ecclesiastical punishment?

No; but as I am informed they insist upon marrying them again, because they do not consider the marriage by a Protestant minister to be a proper marriage. In like manner they, in many cases, though (as I understand) it is against their own canons and against the rules of their church, administer baptism a second time to those who conform from Protestantism to their communion. The more informed clergy of that church, of course, I conclude, would not countenance it; but with the common priests, scattered through the country, I have been told it is a common practice, for the purpose of impressing the populace with the feeling that ours is no church.

RIGHT REVEREND J. DOYLE, D. D.

If a Roman Catholic and a Protestant intermarry, and the children are brought up Protestants, does the Roman Catholic incur any censure?—No, never.

Have you never known the Catholic clergy make it a condition in a marriage between a Catholic and a Protestant, that the children should be brought up in the Roman Catholic faith?—They advise it; it is in the nature of religion, that the ministers of it seek to make all the proselytes they can.

Have you ever known them to refuse to perform marriages unless that condition were acceded to?—I have; but if they should, the parties can go to the Protestant clergyman, who has equally the power of marrying them.*

REV. M. O'SULLIVAN.

I HAVE known the rites of the church withheld for a great number of years, where one parent was a Roman Catholic and the other a Protestant, because the children had not been brought up in the Roman Catholic faith.

MOST REV. DR. MURRAY.

IN cases of marriages, is it customary for the Roman Catholic bishops or priests, to object to Catholics marrying Protestants, unless the children are educated in the Roman Catholic religion?—It is; we do not recommend marrying with Protestants: frequently the children of such marriages grow up without an attachment, perhaps, to either religion; but whenever we allow them, it is always, as far as I know, with the condition, that the children of the marriage are to be educated in the Catholic religion.

Pastoral Addresses.

UNDER this head, the Editor offers two addresses, the one from Doctor Doyle, issued in the year 1822, and delivered as evidence to the Committee of the House of Commons, by the Most Reverend Doctor Murray; the other issued by

* The editor has known various instances of intermarriage between Roman Catholics and Protestants, and never one in which the priests recognised the marriage by a Protestant clergyman as lawful. Indeed, where the Trent discipline is received, as (Doctor Doyle declares) it is in three provinces of Ireland, the parish priest, or some person licensed by him, must be present at every marriage, which is to be reputed correct; but in all the provinces a second marriage by the priest is insisted on.

Doctor Hussey, in the critical year 1797, and alluded to but not detailed, in the evidence of various witnesses before the Committees of both Houses of Parliament. There are some inaccuracies in the former of these, which as they are, the editor supposes, mere typographical errors in the copy which Doctor Murray laid before the Committee, and they do not impair the sense of the Pastoral, it is inexpedient and unnecessary to correct in the document now submitted to the reader.

PASTORAL ADDRESS of the Right Rev. J. Doyle, D. D.

Reverend Sir,

THE following Address, or such portions of it as you may judge most appropriate, are to be read by you at each of the public masses in your parish, on Sunday next, should you have reason to suppose that any of your flock are connected with, or likely to enter into any illegal association.

I remain, reverend Sir,

Your obedient humble servant in Christ,

J. Doyle.

To the Rev. N. N. of the Deanery
of Kilcock, Diocese of Kildare.

Tuesday, November 19, 1822.

ADDRESS.

“DEARLY BELOVED BRETHREN IN CHRIST JESUS.

“WE address ourselves chiefly to you who may have been seduced into any illegal association, but above all into this vile and wicked conspiracy which has been lately detected and exposed in Dublin, and which is known to have extended into some parishes of this diocese. But before we do so, ‘we take you to witness this day, that we are clear from the blood of you all; whereas for three years we have not ceased night and day,’ with tears, admonishing every one of you to desist from these illegal associations, which have always augmented the evils of our country, and now tend to bring disgrace upon our holy religion. Whilst with you on our different visitations, we did not cease to forewarn you of these things. In our Pastoral Instructions*, printed and distributed amongst you, we explained, at length, the nature and tendency of these associations—their folly—their injustice—their opposition to all the

* Of these Pastorals none appear to have been communicated to the public.

laws, human and divine, which you were bound to obey. We explained for you the impiety of the oath which connected them together; and the clergy in their respective parishes have not ceased to labour with us in this sacred duty? yet we will not address you in the language of reproach—we will not, above all, rebuke *you*, dearly beloved, for the obstinacy and perverseness of a few amongst you; but as the object of our ministry is ‘not to destroy but to save, not to call the just, but sinners to ‘repentance,’ we will once again admonish even those few, however perverse, hoping through the influence of the Holy Spirit, that they will attend, even now, to our instructions, and be at length converted from their evil ways.

“The principles of our religion, dearest brethren, on the subject of our civil duties are clear and explicit; and the doctrine of our church respecting them, has been the same in all nations, and at all times. Christ in his life-time paid tribute to the state, and caused Peter, the first of his apostles, and the representative of his church, to do the same. The Jews, amongst whom he lived, and of whose race he was born, had lost their independence, and were then a conquered people, subject to the Romans. Cæsar was their king, and to Cæsar, though a Pagan, and the conqueror of his country, he declared that tribute should be paid. He who could, as he told his disciples, obtain from his Father legions of angels to defend him, disarmed his disciple—cured the wound he had inflicted, and suffered himself to be conducted like a criminal to the tribunal of Pilate, whose power, he declared, was given him from above. He never belied his own maxim, ‘that his kingdom ‘was not of this world,’ and ‘he underwent the cross despising ‘shame,’ that he might ‘be obedient even unto death,’ not only to the will of his Father, but also to the laws of his country, however unjustly administered in his regard.

“Peter, whom he made the depository of his doctrine and power, followed his example.—‘When persecuted in one city ‘he fled to another,’ but never spoke the language of resistance; nay, he said to those, who through his ministry believed in Christ, ‘be you subject to every human creature for God’s ‘sake, whether it be to the king as excelling, or to the governors ‘as sent by him for the punishment of evil-doers, for so is ‘the will of God.’ 1 Pet. c. 2, ver. 14. And again, ‘Fear ‘God, honour the king.’ He unites these two obligations; because one cannot subsist without the other, for, ‘if the king, ‘or he who bears the sword, be the minister of God, an avenger ‘to execute wrath upon him who doeth evil,’ how can God be feared or served, if his minister be disobeyed? St. Peter, in this passage, only declared the doctrine, which he heard his Master teach, and saw him practise. St. Paul also published the same to all the nations whom he converted to the faith.

“ It was this great apostle who lived in the time of Nero, a Pagan, and the most bitter persecutor of the church, who, writing to his beloved disciple Timothy, prescribed that form of prayer, which we all recite as often as we assist at mass—offering it up in his words, ‘ for the king and all that are in high station, that we may lead a quiet and holy life.’ But the apostle does not stop here: in his Epistle to the Romans, chap. 13, he inculcates, in a special manner, the broad principles of obedience to the state, and with so much clearness and energy that I cannot forbear transcribing the entire passage— ‘ Let every soul,’ he says, ‘ be subject to the higher powers, for there is no power but from God, and those that are, are ordained of God; therefore, he that resisteth the power, resisteth the ordinance of God, and they that resist, purchase to themselves damnation; for rulers are not a terror to the good work, but to the evil—if thou do that which is evil, fear; for he beareth not the sword in vain, for he is the minister of God, an avenger to execute wrath upon him that doeth evil; wherefore, be subject of necessity, not only for wrath, but also for conscience sake. Render, therefore, to all their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour; owe no man any thing, but that you love one another, for he that loveth his neighbour hath fulfilled the law.’

“ On these authorities, and such as these, the doctrine of the Catholic church is founded, and though revolutions have happened in divers nations professing her faith, she has always abhorred them, when effected by force, or violence, or the effusion of blood. The design, then, into which it appears some of you have entered, of subverting the state, and overthrowing the government established in this country by the divine permission, is opposed to the maxims and example of our Divine Redeemer, and to his apostles, and to the uniform doctrine of that church whose faith you profess; but the period you selected, and the motives which influenced you in forming this vain and senseless project, are not only wicked, but disgraceful to you as Men and Christians.

“ And first—what is the period you have chosen to form a dark and bloody conspiracy against all that is established by the will of God, in a country that should be more dear to you than life! Precisely that when our gracious Sovereign visited us like a common Father, quelling the tumult of the passions—al-laying the spirit of party and dissension—and dispensing among every class and description of his people the spirit of peace and good will; that period, when one of our own countrymen, renowned for his wisdom and justice, had been appointed to the government of Ireland, for the avowed purpose of dispensing the laws impartially to all, and devising remedies for the many

evils under which we labour ; when he, who has been the strenuous and powerful advocate of our rights, as Catholics, was placed in a situation where he could view, as it were, with his own eyes, your merits and your sufferings ; and from which he could bear before the legislature, a high and irresistible testimony to the truth and justice of your claims ; a period when the eyes of the whole empire were fixed upon you, and all its wisdom employed in devising means for bettering your condition, by calling forth the infinite resources of your soil, of your mines and fisheries, and employing on them the energies of a numerous people ; a period when that government, which you might embarrass but could never overthrow, was expending several hundred thousand pounds in supplying the wants, and providing for the support of perhaps a million of your brethren ; when England, with a bounty and generosity peculiarly her own, had watched over our distress with the anxiety of a mother, and ministered out of her abundance to all our wants ; raising up her charities, like a shield, to protect us against famine and pestilence, — clothing the naked, feeding the hungry, and consoling the distressed ; forgetting our crimes and atrocities in the south, the innocent blood that called to Heaven for vengeance against us, and remembering only that we were men and Christians, though many of us undeserving of that name. This was the period when ‘ Mercy and Truth seemed to have met, and Justice and Peace to have kissed each other,’ that you were impelled by the enemy of all good to defeat the designs of Heaven upon your country, and oppose new obstacles to her improvement. Shall Ireland, my dear but infatuated brethren, be always doomed to suffer, and to suffer through the blindness and malice of her own children ? Who will in future sympathise in her misfortunes ? Who will vindicate her rights ? Who will proclaim the virtues of her sons, if a portion of them appear not only disaffected, but also blind to their own interests—and if what never until now could be objected to them—that ‘ *they are ungrateful* !’

“ And what were the motives which influenced you to act thus, and even to profane the awful name of God—and rashly call upon him to attest your wicked purposes ? your distress, your hatred of Orangemen, your love of religion, your faith in prophecies, your hope of seeing your country free and happy. Let us, my dear brethren, examine dispassionately each of these, before we come to show you the absurdity of your designs, as well as the impossibility of ever carrying them into effect. And first, as to distress—The distress that prevails amongst you is general and great, and in many instances cannot be remedied by human power ; but it is worthy of remark, though I have seen and conversed with many individuals who were once engaged in those wicked associations, I have not known one who was impelled by want to enter into them. Some idle trades-

men, boatmen, servants without families, and young, inexperienced youths of the labouring classes; ~~these~~ have composed your assemblies, and have entered into them either through terror or a depravity of heart, hardened by irreligion, drunkenness, and other vices, but not by distress: of this you are all conscious! And now let me ask you, how are your wants to be remedied, and your distress removed by these associations? Is it by the breaking of canals, by the destroying of cattle, by the burning of houses, corn and hay, and establishing a reign of terror throughout the entire country, that you are to obtain employment? Is it by rendering the farmer insecure in the possession of his property, that you will induce him to increase his tillage? Is it by being leagued against the gentry, that you will prevail on them to improve their houses and demesnes? Is it by causing a heavy police establishment to be quartered throughout the country, to be paid by taxes collected from the holders of land, that you will enable them to give you employment? No—your proceedings are only calculated to compel gentlemen to fly from the country, to convert their lands to pasture, and to place an armed force to protect their cattle, and to treat you if necessary with the utmost rigour. Your conspiracies, therefore, are calculated not to relieve, but augment your distress an hundred fold.

“Your hatred to Orangemen.—The Orangemen may be foolish, may be wicked, may be your enemies; but if they be fools, they deserve your compassion; if they be wicked, you are obliged to seek their conversion by prayer and forbearance; if they be your enemies, your Redeemer teaches you how you are to treat them, saying, ‘love your enemies, do good to them who hate you, pray for those who persecute and calumniate you.’ And his apostle, who desires you ‘not to return evil for evil; but to overcome evil by good.’ ‘If your enemy (says he) be hungry, give him food; if he be thirsty, give him to drink; and thus you will heap burning coals (that is, according to St. Augustine, the fire of charity) upon his head,’ which will consume his enmity. But these men, who are so very hateful in your eyes, are our brethren in Christ; they are each of them as dear to him as the apple of his eye; they have all been baptized in his blood. If, then, they be your enemies, by a misfortune common to you and them, they are still the children of your ‘Father who is in heaven.’ CHRIST died for them, and you should not only forgive them, but love them for his sake.

“Your associations are, however, the best means you could devise to increase their number, and extend their influence. Their association had lost all respectability; the king smote it, like as the angel did the host of Senecherib, and it became lifeless. Those who formerly belonged to it were ashamed of it; public opinion condemned it; it was writhing in agony, and could not

exist another year; but the spirit of your conspiracy has blown upon the lifeless body of it; the nerves and flesh are re-uniting to them; it will be restored to life, and again become formidable. But if your feelings be again insulted, if your wives be abused, and your daughters violated, blame not Orangemen, blame your own absurd and mischievous proceedings.*

"Your love of religion. Ah, my dear brethren, how frequently is the sacred name of religion abused, and how many crimes and profanations are committed in her name? Could religion be weighed in a scale, there could not be found one ounce of pure religion amongst all those who have freely entered into your associations? For how can iniquity abide with justice? Light with darkness? Or CHRIST with Belial? It was by meekness, humility, patience, suffering, and unbounded charity, that CHRIST, 'the author and finisher of our faith,' founded his religion; by these and such like virtues, it was propagated by his followers to the end of the earth. By these that holy apostle, Saint Patrick, whose name you profane, and whose religion you cause to be blasphemed, planted the faith in this island, which was once an island of saints, but which you would convert into a den of thieves. Can religion be served by conspiracies? Can it be propagated like the superstition of Mahomet, by fire and sword? Does she require for her support the aid of those who neglect all her duties, disobey and despise her pastors; who violate all her commands, and indulge in her name all the vices which she condemns? Does not your catechism teach you that the most essential part of your religion consists of the two great precepts of charity, 'to love GOD above all things, and your neighbour as yourself for the love of GOD.' And again, that by the word 'neighbour' is signified all mankind of every description, *even these who differ from you in religion!*† But you say you have the true religion, and hence, I suppose, you consider yourselves entitled to hate those who differ from you. Show me your works, says an apostle, and from these I will tell your faith. And again, 'Faith without works is dead;' nay, if you had faith, so as to remove mountains, but had not charity, it would avail you nothing; for that faith only can make you acceptable to GOD, 'which worketh by charity'; and no person, whatever his faith may be, can enter 'into life unless he keeps that first and greatest of the com-

* This passage has been omitted in some copies of the "Pastoral," published (it is said) under the sanction of the Irish government. It affixed, most unjustly to Orangemen, the odium of brutal excesses; which (if they were perpetrated in lawless times) have not been traced to those men, towards whom the Pastoral, while recommending caution, would direct the peoples' hatred.

† Difference in religion is marked as the motive for hatred hardest to be overcome.

‘mandments, which obliges him to love his neighbour as himself, whatever the religion of that neighbour may be.’ Surely, my brethren, sins against charity are not ~~less~~ ^{most} offensive to God than sins against faith; and if, according to St. Paul, a wilful and obstinate adherence to error in matters of faith, excludes man from heaven, he also says, that ‘fornication, uncleanness, immodesty, luxury, witchcraft, enmities, anger, quarrels, dissensions, envy, murder, drunkenness, deserve hell.’ 2 Cor. chap. 1: Why then is all your zeal directed against one vice, while you indulge freely in the others. You are intolerant and uncharitable, brethren, on this head; but it is not your religion but your prejudices and passions that render you so.

“It is not every one who differs from you in religion who should be branded with the odious name of ‘heretic.’ Errors in religion do not constitute heresy; but a wilful and obstinate adherence to them. Hence St. Augustine says, ‘I may err, but I will not be a heretic.’ He writes also, in his 162d epistle, ‘that those who earnestly seek the truth, and are ready on finding it to stand corrected, must by no means be reckoned among heretics.’ This is the spirit of your church, which assembled by her pastors at Trent; whilst she anathematised the heresies which then prevailed, speaks thus in her 13th ses. of those persons who held them: ‘The holy synod, like a tender mother who groans and brings forth, wishes and desires that there may be no schism amongst those who bear the name of Christians; but that as they all acknowledge the same God, and the same Saviour, they may also have the same faith, the same language, and the same opinion; confiding in the mercy of God, the synod hopes they will return in hope and charity to the holy and saving unity of the faith.’ How different, dear brethren, from the spirit which dictated those sentiments, is that which prevails at your unholy assemblies? But supposing that all those who differ from you in religious opinions, were not of that description pointed out by St. Augustine, why do you not hope and pray, that the Lord would, on the bed of death, at the moment of their departure from this life, look to the naked whom they clothed, and the hungry whom they fed, the bread which they broke to the orphan, the tear which they wiped from the cheek of the widow; and in consideration of these works, discover to them the light of his truth, inflame their hearts with contrition, fill them with his charity, and crown them with his mercy. Hold fast, dearest brethren, your own faith, and pray for those who differ from you. Take heed of the words of the apostle, ‘who art thou that judgeth a foreign servant, he stands or falls for his master, but he will stand, for God is powerful enough to raise him up.’

“In this country, your religion is not only tolerated, but protected by the law; it is poor, but poverty is the cradle in

which Christianity was nursed, and riches have always been its bane. Your clerics have a competency, alike removed from poverty and affluence, and derived from a source which secures to you their attention, and protects the purity of their own lives. *They seek, they desire nothing more.* It is clear then that on the score of religion, your conspiracies are without an object, and it is the angel of darkness who transforms himself into an angel of light, that he may seduce you to violate all the charities of the gospel, under the appearance of zeal for the faith.

“Your faith in prophecies.—This, dearest brethren, is a subject which we find it difficult to treat with becoming seriousness; and yet it is one which has produced among you the most deplorable effects. I have been credibly informed, that during the course of the last year, when great numbers of you yielding to our remonstrance, and those of our clergy, had withdrawn yourselves from these mischievous associations, you were prevailed on to return to them, excited by some absurd stories, called ‘Prophecies,’ and which were disseminated amongst you by designing and wicked men. There have been, to our knowledge, instances of persons neglecting their domestic concerns, and abandoning their families to misery and want, through a vain hope, grounded on some supposed prophecy, ‘that mighty changes were just approaching!’ For more than half a century it was predicted, that George the Fourth would not reign; and his very appearance amongst you was scarcely sufficient to dispel the illusion. Such excessive credulity on your parts, and such a superstitious attachment to fables, a thousand times belied, is a melancholy proof of the facility with which you may be seduced by knaves. Our church, dearest brethren, approves of no prophecies unless such as are recorded in the canonical scriptures; and though the gift of prophecy, like that of miracles, has not entirely ceased in the church, she has never lent the sanction of her name or approbation to vulgar reports or traditional tales; nay, whilst some of her doctors examine and recommend to the faithful, for the improvement of their lives, some revelations supposed to have been made to certain saints, such as those of St. Bridget of Sweden, relating to the sufferings of CHRIST; they uniformly condemn as superstitious, those popular tales called, ‘Prophecies,’ which only tend to disturb the mind, and can have no influence in promoting the good of souls.

“But you will tell me your prophecy is not of this kind; that it is derived from the Sacred Scriptures, as they are explained in the book of Pastoriui, called ‘The History of the Christian Church.’

“That book, dearest brethren, has been perverted to very different ends from those which the pious author intended. It is principally a commentary, or rather conjectures on the mean-

ing of the Apocalypse of St. John the Evangelist. This book, called the Apocalypse, is, as its name signifies, a revelation of a vision which the author had in the island of Patmos, to which he had been banished, in the reign of the Emperor Domitian. It was a vision of the most mysterious nature, and the Apostle's account of it is so hard to be understood, that very few of the fathers of the church have undertaken to explain it, and most of those who did, desisted from the attempt. St. Jerome himself, to whom nothing in the sacred writings appears to have been difficult, and whom the church venerates as the greatest of her doctors, and raised up by God for the exposition of the Scriptures, even he resigned up the Apocalypse as entirely above his comprehension, saying, 'not only every sentence, but every word of it, was replete with mystery.' It was in this book, that Luther imagined he had discovered that Rome was Babylon, and the Pope, Antichrist. So Bishop Walmsley, commonly called Pastorini, and the author of your favourite prophecy, wished to defend his church, by retorting on Luther, saying, that he (Luther) was the star mentioned in the Apocalypse, which fell from heaven, and which, after blazing on the earth for three hundred years, would then be extinguished; that is, that his doctrine would continue during that period, and then cease. So you see, that these two zealous disputants would have us believe, that they surpassed all the wisdom of past ages, and that the seal of that mysterious book, which was left undisturbed until their time, was broken for them, that one of them in his fury, might discover in it that a meek bishop was Antichrist; and the other in his simplicity, 'that the stars were to rain down fire and brimstone from heaven upon us.' Away my dear brethren, with such egregious folly. Do you suffer divines to wrangle with each other, many of whom though wise, 'are not wise unto sobriety,' and attend only to the doctrine of your church, as it is taught you by your pastors, for the regulation of your lives. This church has never unveiled that vision called the Apocalypse; and as Solomon says of the mysteries of nature, it seems to be given up by God, to the disputations of men. But even if Luther happened to be designated by the star mentioned in it, and his doctrine by the blaze which it emitted, how does that concern you? Luther lived in Germany; his religion, which resembles your own in some particulars, and differs in many from that of the Established church, was never received nor professed in England, nor here. The Lutherans for instance, celebrate a kind of mass resembling ours. They go to confession; they believe in the real presence of CHRIST, in the sacrament of the blessed eucharist; but they have no bishops. The Established church on the other hand, have bishops; they have no mass in any shape or form, and they believe that the presence of CHRIST

in the sacrament, though real, is only spiritual. Thus you see, that even if the religion of Luther were to fail, it by no means follows, that the religion established by law in this country, would cease to exist. But, if it be any consolation to you to know, that Luther's religion would cease, and your prophecy be fulfilled, I can inform you, from a book now lying before me, and written by a *German superintendent*, (an office in the Lutheran church, which corresponds to that of bishop in ours) that throughout Germany, there is scarcely an individual to be found at present, who believes or professes what was taught by Luther; you need not then wait for the term fixed by Pastorini, for the extinction of his star, as Luther's doctrine is already extinguished.

"But then, you will ask me, have the Lutherans all become Roman Catholics? Many of them have indeed, and would to God they all did so! but the vast majority of them have not; they have divided themselves into an infinite number of sects, professing strange and hitherto unheard of doctrines, and great numbers of them have renounced christianity altogether, and become infidels.

"Do not my dear brethren, be so silly as to expect, that even if those who differ from you in religious belief in this country, were to change their creed, that they would embrace yours; far from it, they would for the greater part cease to be christians, or form a religion for themselves. It is not consistent with the nature of man, nor with the ordinary providence of God, that a body of men like our dissenting brethren, who have been separated from the church so long, and accustomed each of them, to judge for himself in all matters human and divine, should again subject themselves to the yoke of authority, and captivate their understandings to the 'obedience of faith.' Individuals might do so; whole classes might do so; but neither the power of the state, nor the force of law, nor the terror of death; nothing short of miracle, greater than any hitherto recorded, could produce uniformity of religion, in England or here. Lay aside, my dear brethren, your books of prophecies, and read the books which will explain to you the commands of God, and the duties you owe to one another. Lay aside Pastorini [an Italian word, signifying 'little pastor,'] and listen to your own pastors, whom God has placed over you, 'and who watch as if to give him an account of your souls.' Let Doctors Luther and Walmsley quarrel about the Apocalypse; but do you attend to what St. John, the author of that vision, wrote and preached, and repeated unceasingly to the hour of his death, 'love one another.' Leave prophecies to be interpreted by those who are learned in them; but do you apply yourselves to labour and industry, and the works of peace. Each person has his particular vocation from God; and in

that to which he has been called, he should remain. If the lawyer or physician undertook to plough, or reap, or sow the seed, you would laugh at his presumption, or pity his folly! So it is with you, when engaged in prophecies which you do not understand.—Why ‘has God placed some apostles, some pastors, some doctors, in his church,’ unless to study his law, to govern and direct his people? and yet you will usurp their place, and create confusion in the church, which is the body of Christ. You ridicule the folly of those enthusiasts, who read and expound the Scriptures in whatever manner their fancy may suggest; and yet you yourselves interpret prophecies, which of all other parts of Scripture, are the most difficult and hard to be understood; thus, ‘in what you judge another, you condemn yourselves.’ All your chapels, dearest brethren, are provided with libraries, in which are books, containing tracts of piety, and explanations of the law; read and study them, and you will become wise unto salvation.

“But your object is to make your country free and happy. We will not reason with you on the end which you propose to yourselves; which, even if it were laudable, could not justify the employment of unlawful means, ‘as evil,’ says an Apostle, ‘is not to be done, that good may happen;’ but we will consider for a moment your design itself, and the persons employed to carry it into execution, that if possible the absurdity as well as the wickedness of it, may become palpable to you. And first, who are those who would undertake to subvert the laws and constitution of this country? Persons without money, without education, without arms, without counsel, without discipline, without a leader; kept together by a bond of iniquity, which it is a duty to violate, and a crime to observe. Men destitute of religion, and abandoned to the most frightful passions; having blasphemy in their mouths, and their hands filled with rapine, and oftentimes with blood. Can such as these regenerate a country, and make her free and happy? No, dearest brethren, left even to themselves, they would destroy each other; but opposed to a regular force, they would scatter like a flock of sheep upon a mountain, when the thunder storm affright them. The year of 1798, is within the recollection of us all; at that fatal period, Protestant and Catholic, and dissenter of every province and town, of every class and description, of every rank and station; not even excepting the army, combined to overthrow the government;—you witnessed their failure, the scenes which then occurred, and many of you experienced their fatal consequences.

“If then such was the result of an extensive conspiracy, comprising persons of all religions, of wealth and affluence, of intelligence, connected abroad, organised at home, and undertaken at a period when a revolutionary spirit pervaded Europe, and

what the government, against which it was directed, was engaged almost single-handed with the most formidable enemy England ever had; what success could possibly attend the efforts of the vile and contemptible conspiracy we now hear of—a conspiracy, undertaken * at a period of profound peace, and when the government is rooted in the affections of every man who wishes for the happiness of the country. When every Protestant and every Catholic, possessed of name, or station, or property, would rally round the throne, like one man, to defend it against the assassins of the public peace. Can you mention the name of any individual, not of those classes which I first enumerated, who has ever joined your unholy associations? Have not the clergy, priests and bishops, with one voice condemned you? *Has one of you ever been permitted to partake of a sacrament, in your church, who has not first renounced these associations?*† Has any farmer of property, or dealer of fortune or integrity, been ever found amongst you? Has any honest, sober, and industrious tradesman or labourer, ever entered, unless by compulsion, amongst you? Are not your leaders, almost without exception, men of “profligate lives, of vicious and irregular habits; men who, as St. Jude says, ‘despise power, and blaspheme majesty?’ Are not these the description of men who domineer over you? Is it, dearest brethren, by such men that our country could be rendered free and happy? And if not, why have you ever suffered yourselves to be deceived by them, to be made the dupes of their malice, and accomplices in their crimes?

“To conclude, dearly beloved, let us remind you, that the body of a nation is like, in some degree, to our own. The different ranks and orders which compose it, are ordained of God, that the whole may be preserved entire. If any of them should seek to usurp the place of the other, discord would ensue. If your feet, seeing your hands are idle, would refuse to walk—if your hands would undertake to do the duties of the head, how monstrous and absurd would it not appear? So in the state, if those whom God has appointed to labour, should abandon their station, and seek to govern—if the ignorant would take the place of the wise—the soldier the place of the peasant—the tradesman that of the magistrate—the schoolmaster that of the bishop or judge, how could society exist? Yet to this, and such like consequences, all your silly machinations tend. Return then, dearly beloved, to the ways of peace; leave the legis-

* Doctor Doyle should have said “discovered.” The conspiracy was undertaken many years before that in which the Pastoral appeared.

† The reader will bear in mind, that, according to the testimony of Doctor Doyle, the Ribbonmen were “not permitted” by their own rules to partake of sacraments.

labour to pursue those means of improving your country, which their wisdom will devise. Let the government meet with a grateful return for the solicitude they manifest in maintaining the rights and providing for the wants of the people.—Leave your church to enjoy the liberty she possesses—pray for those who differ from you in religion. Seek to have more charity, and less of zeal; and do not embitter the lives of your parents, or bring their grey hairs with sorrow to the grave. Atone, dearly beloved, by every means in your power, for the injuries you have done your neighbour, your country, and your God.—Wipe away, by your peaceable demeanor, for the time to come, that foul stain which your conduct has, to a certain extent, already cast upon your religion!! We wish you peace and benediction,* in the name of the Almighty Father, and his Son Jesus, our Lord and Redeemer, through the grace of the Divine Spirit, who proceeds from both.—*Amen.*

“ JAMES DOYLE, D. D.” &c.

REV. HENRY COOKE.

I HAVE heard it said, that Doctors Troy and Hussey, two Catholic bishops, published Pastoral Letters, with a view to promote the establishment of a republic in Ireland, and consequent separation from England.—

A PASTORAL LETTER to the Catholic Clergy of the United Dioceses of Waterford and Lismore; by the Right Rev. Dr. Hussey, in the year 1797.

DEARLY BELOVED BRETHREN IN CHRIST,

“IN these critical and awful times, when opinions seem spreading over this island, of a novel and dangerous tendency; when the remnants of old oppression, and new principles which tend to

* This is a most strange conclusion. Instead of cutting off from the church those men who had disgraced it, Doctor Doyle calls them “dearly beloved,” and wishes them peace and benediction, and this too unconditionally. It was not to be wondered at that the peasantry thought the pastoral insincere, when they found a benediction bestowed on those who were bound together by a murderer’s oath. That they did so think it, the following extract from evidence may serve to show—

JUSTIN MCCARTHY, ESQ.

You do not find that the priests endeavour to undeceive the people?—I have heard of instances of the priest having stated that Pastoral was ridiculous; and in fact, Doctor Doyle has published a very useful letter on the subject. But I believe in those instances the people conceive that the priest is acting politically; that I believe to be the general feeling in Ireland.

Lords,
June 18, 1844.
Report, p. 402.

anarchy, are struggling for victory, and which, in the collision, may produce the ruin of religion; when a moral earthquake shakes all Europe, I felt no small affliction and alarm, upon receiving the superior command of the head of the church, to preside over the Catholics of these united dioceses, upon the death of your most venerable and ever to be regretted prelate, your late bishop.

In the midst of these fears and alarms, it was a great consolation to me to be assured of the piety, zeal, and loyalty of the clergy under my spiritual care; and that their exertions were constantly employed to keep the laity within the bounds of religion, morality, and decorum. That no part of Ireland was more exempt from turbulence and insubordination to the laws, than this district; and that the memory of the illegal injustices and cruelties formerly practised in this country, by men who made religious distinctions a stalking-horse for political purposes, is completely and happily effaced, I hope, for ever.

It is upon you, very reverend and dearly beloved brethren, that, under God, my reliance is, that the Catholic faith will produce its happy effects, in mending and improving the morals of the flock which I commit to your care respectively. Let me beseech you, to attach yourselves to them, by frequently instructing and exhorting them, especially as often as you approach the sacred altar; and certainly you cannot fail to attach them to you, by such a pious, exemplary, and zealous conduct. Do not permit yourselves to be made the instruments of the rich of this world, who will try, by adulations, and possibly by other means, to make instruments of you over the poor, for their own temporal purposes, and perhaps to render your sacred ministry odious to them. The poor were always your friends; they inflexibly adhered to you, and to their religion, even in the worst of times; they shared their scanty meal with you, and with your predecessors, and thereby preserved a succession of spiritual pastors throughout the kingdom. If they had acted otherwise, conformed to the errors of the nation, and imitated the conduct of the rich, who not only shut their doors against you, but not unfrequently hunted you like wild beasts, I should not be able to address the present respectable body of clergy under my spiritual authority. Such a consideration cannot fail to enliven your zeal, and, with affectionate attachment towards them, to impel you to instruct them in their duties, to restrain their errors, and to correct their vices. Argue obsecra, increpa, in omni patientia, et doctrina. Upon all proper occasions, speak to them the words of eternal life, without fear or deference towards the enemies of our holy faith. The pastor who doth not act in this manner towards his flock, hath lost the grace of his vocation, or perhaps he never obtained it from God. He is the mercenary shepherd described in the Scripture, who, upon seeing

the wolf, runs away, and abandons his flock, an easy prey to him.

At the same time that I charge you to avoid all political interferences, as unworthy the ministers of him, whose kingdom is not of this world, I call upon you to stand firm against all attempts which may be made, under various pretexts, to withdraw any of your flocks from the belief and practice of the Catholic religion. Remonstrate with any parent who will be so criminal as to expose his offspring to those places of education, where his religious faith or morals are likely to be perverted. If he will not attend to your remonstrances, *refuse him the participation of Christ's body*; if he still should continue obstinate, *denounce him to the church*, in order that, according to Christ's commandment, he be considered as a heathen and a publican.

If, in any of your districts, the Catholic military frequent Protestant places of worship, it is your duty to expostulate with them, and to teach them how contrary to the principles of the Catholic faith it is, exteriorly to profess one faith, and interiorly to believe another. That such hypocrisy, even in the eyes of the world, is mean and pusillanimous, as well as odious and abominable in the sight of God. That the military garb they wear, implies a manly candour, which abhors such duplicity. That this manly candour is peculiarly the character of an Irish soldier, who ought not to be ashamed of openly professing the Catholic religion—the religion of Irishmen—instruct them, that in all matters respecting the service of the king, their officers are competent to command them, and that they are bound to obey; but in matters regarding the service of the King of kings, their officers have no authority over them. Their personal religion is their own natural, uncontrollable, unprescriptible right, subject to the spiritual law of the Catholic church, and over which the laws of the land cannot enjoy a coercive authority. In all temporal matters, they are subject to their temporal rulers. In all spiritual matters, they are subject to their spiritual rulers. These two authorities, like parallel lines in mathematics, can never touch each other. By the smallest declination, they lose even their name. Guard them from being deluded by the hacknied phrase of liberality of sentiment. Surely, liberality of sentiment does not consist in holding all creeds and all forms of worship to be equal? He who thus expresses himself is a latitudinarian, who despises all creeds—all forms of worship! The man of true liberality is he who conscientiously believes, and scrupulously follows that creed and form of worship which is conformable to his conscience, yet lives in charity, in concord, in amity with all others of every religious persuasion. The man of true liberality is he who employs his conscience as the helm with which he steers, in his religious voyage, leaving others to steer theirs by a similar

guide. The man of true liberality is he with whom a difference in religious opinions, makes no difference in social life; living in equal harmony with all, and frequently bestowing more kindness and more bounty upon those who differ from him in religious opinions, when they want it more, than upon those of his own communion. The man of true liberality is he who, when raised above the rest to govern a great people, scorns to attend to the paltry distinctions of sect or party; spurns from his presence those interested advisers of a dangerous faction, who would dishonour him and abuse the sacred name of majesty, to enrich themselves; but, like a true patriot, raises to power and influence those in his conscience, he thinks of most ability and integrity, to serve king and country. To sum up the whole, the truly liberal man is he who makes his religion the guide for his own personal and private conduct, and not a rule to guide, to govern, or to compel others to act against their conscience and their religion.

"The many compulsory means lately employed (and several instances of them within this very diocese, not many days since,) to drive the Catholic military to Protestant places of worship, alarmed the true friends to the king and his service, and every well-wisher to the peace and quiet of the country. Such unwarrantable steps could not make proselytes of the Catholic military; it might, in time, make them indifferent to all forms of worship, and thereby jacobinize them on the French scale; and, perhaps, in the hour of danger, induce them to forget their duty and their loyalty, in order to be revenged of their persecutors.

"O how different are the principles of a Catholic soldier, educated in the belief, and living in the full exercise of his religion; he clearly convinces his countrymen, that military valour is not inconsistent with religious piety; but that on the contrary, they are natural allies. That when called to protect and defend his country, he is fearless and intrepid in the midst of danger; his bosom glowing with this consideration, that his death upon his post, promotes him to a superior post in eternity. The unbeliever, who sees nothing beyond the grave, more naturally shrinks from the danger of his dissolution; or if he seems to assume courage, it is either the brutal insensibility of his temper, or an artificial mask which he puts on, to screen him from the contempt which is sure to follow cowardice. But the courage and intrepidity of a true Catholic, in the discharge of his duty, is a calm heroic intrepidity, which sees the danger in his road, but sees immortality beyond it. He marches courageously on, sure that if he falls, it is to rise again beyond the grave. But when the unbeliever sees the danger, he sees nothing beyond it, and thinks that if he falls, that moment puts a final and a fatal period to all his schemes of ambition, of

fortune; of pleasure; and he sinks into eternal night, never, never to rise again. Surely, such an impious idea is capable of transmuting even a naturally brave man, into a cowardly slave. Let me say all in one sentence; those sentiments of intrepidity, of fidelity, of honour, which high birth and polished education impress upon those of an elevated sphere in life, cannot be superior to the sentiments of fidelity, of courage, and of honour, which the Catholic religion, if sincerely believed, and piously practised, would inspire into the lowest in the ranks; and who, if his duty calls him, would show a courage and an intrepidity equal to Alexander and Cæsar; and as unsullied loyalty and integrity, as those statesmen and generals who regulate kingdoms, or who defend them. In all your proceedings, very reverend and dearly beloved brethren, avoid intermixing the politics of the world, with the sublime and heavenly maxims of the Catholic religion; they have not the smallest connection with each other; the one is spiritual, the other is temporal; the one regards the transitory affairs of this world, the other, the eternal affairs of the world to come. As the Catholic faith is a religion preached to all nations, and to all people, so it is *suitable to all climes, and all forms of government; monarchies or republics, aristocracies or democracies, despotic or popular governments, are not the concerns of the Catholic faith. It may well suit a small sect, to regulate its creed and form of worship according to the shape and form of government, of the limited boundaries where that sect arose, exists, and dies away; not so the religion, which the prophet foretold should extend from the rising to the setting sun; which has been propagated and promulgated from Peru to China, from the East to the West Indies, from pole to pole, teaching the same doctrine, administering the same sacraments, and offering up the adorable sacrifice of the Redeemer, wherever man is found, and God adored. It is therefore called the Catholic, or universal religion. It may well suit the laity of your respective districts, to pursue their temporal concerns, and their temporal politics, by such ways as appear to them fair, peaceable and loyal; and their past conduct is a proof that they are incapable of pursuing them by any other means. If their conduct has always been loyal and peaceable even in the worst of times; if even when religious penalties made them total strangers to their native land; if when the ruling party, with insolence in their looks, and oppression in their hands, ground them down; when some of the most powerful men in the nation, declared in the senate, that they hoped to see the day when no Catholic would dare to speak to a Protestant with his hat on; when even the course of justice was perverted, and the channels of it dried up, according to the prejudices and party views of the judges who sat upon the bench, and were paid for the impartial administra-*

tion of it, by taxes levied upon the oppressed sufferers; yet, even in these provoking times, if the body of the Catholics remained inflexibly attached to their religion, and to their king, what have you to dread from their proceedings, when not only the judges are equitable and humane, but also a great part of these impolitic religious penalties are removed, and the rest of them in such a state of progress to be totally removed? That however a junto, for their own interested or other sinister views, may raise mobs to try to throw obstacles against the total repeal of them, yet all their efforts must be useless; the vast rock is already detached from the mountain's brow; and whoever opposes its descent and removal, must be crushed by his own rash endeavours. The Popery laws are upon the eve of being extinguished for ever; and may no wicked hand ever again attempt to divide this land, by making religious distinctions a mask to divide, to disturb, to oppress it!

Make your flock sensible to the honour of being accounted a member of the Catholic communion*; that they are not members of a small sect, limited to that country when that sect itself was formed. They are members of a great church, which has lasted more than 1700 years, which flourished in every part of the habitable world. "In omnem terram exivit sonus eorum & in fines terræ verba eorum;" and that Christ has promised, that it will flourish until time shall be no more. "Usque ad consummationem sæculi, portæ inferi non prævalerunt adversus eam." That, consequently, they should not be ashamed to belong to a religion, which so many kings and princes, so many of the most polished and learned nations of the world, glory in professing.

Remind them that two centuries of persecution have tried in vain to pervert them; that the annals of the church, the history of mankind, does not afford another example like theirs, of

REV. M. O'SULLIVAN.

Lords,
Report, p. 920.

* HAVE you any means of knowing whether the Roman Catholic priests in general, inculcate any partiality for other Roman Catholic countries?—I think by their conversation generally, they do very considerably. The attachment they have to Rome is of a very peculiar nature; they regard it as the place where their religion is triumphant, and they look upon their body in Ireland, as forming part of a universal community, with the Pope as its head. This influences the conversations they hold with the people. They speak to them of the foreign countries where their religion is maintained so splendidly; and this, I should suppose, is a species of conversation which acts insensibly on the minds of the people.

Acts insensibly on the minds of the people; in what manner?—In inspiring them with the same love and reverence for Rome as the priests have. I speak of these of the lower classes, of course.

Had the witness been aware of the nature of Doctor Hussey's Pastoral Address, he could have accounted for the conduct of Roman Catholic priests, without having recourse to the abstract principles of their religion.

perseverance in their religious principles. That we find, in the history of every other nation or people, that a much shorter time was sufficient, by penal restrictions of religion, to gain over the people to the religion of the state; but that two centuries of persecuting laws, immense sums of money given by parliament to gain over proselytes, and levied upon those very people whose creeds they thereby endeavour to purchase, left still the great body of the nation faithful to that spark, which St. Patrick lighted at the great altar of the Catholic church, and spread over this island; and that nine-tenths of the nation at large, and ninety-nine hundredths of this diocese, are still faithful and steady Catholics, notwithstanding what they and their ancestors suffered for their fidelity, and for which they are as unrivalled in the history of the church, as insulated an exception to the prevaricating versatility of man, as the geographical situation of the island itself is to the rest of the world!

The portion of the Catholics of Ireland, which God has committed to my spiritual care, I call upon you, very reverend and dearly beloved brethren, as my coadjutors and assistants, to aid me, by word and by example, to instruct and to feed with the word of salvation and with the bread of angels. It is a laborious, but it is also a meritorious and an honourable employment. It forms the strongest bulwark to the state, by being the best supplement to the laws, which without morals, are vain. A faithful discharge of these duties will form our crown and our glory, when, at the last day, the supreme pastor will come to judge us, and to judge the world.

Such was the pastoral letter addressed by Doctor Hussey to his clergy, at a time when, according to his faithful description, rebellion and loyalty were struggling for the mastery, and when, as Doctor Doyle, in his Pastoral, does not forget to observe, foreign states were leagued with a disaffected people, and even with a corrupted soldiery, against the government of England. The instructions given in Doctor Hussey's Pastoral Address may be divided into two classes; some especially intended for the particular period in which they were given, and some to be acted upon by the priesthood upon all occasions. Thus, in the year 1797, it appears to have been a military regulation that the soldiers should attend divine service according to the forms of the church of England; and the regulation appears to have been, in some instances, enforced by commanding officers. Doctor Hussey directs his clergy not to remonstrate with such commanders, or to memorial the government, *but to apply themselves to the soldiers, and require of them to disobey their officers commands.* Here was a direct opposition of the spiritual to the temporal power. The question is not, whether the military regulation was wise or the reverse; whether it was prudent

in an officer to permit his soldiers to scatter into different places of worship, or to keep them in one place, under the control of their proper commanders; the question is, whether Doctor Hussey was not directly preaching up the inferiority of the civil or military power, when he called upon the soldiers in His Majesty's service to disobey the laws and the authorities by which they were to be governed. Here was an instance in which the two powers directly opposed each other, and in which the genius of the church of Rome manifested itself, not by an address to the legislature, praying that the offensive law might be repealed, but by an address to a disaffected soldiery (and on the eve of a sanguinary rebellion), ordering them to disobey the law.

"The other species of instruction communicated in the Address, is of a nature which may be acted upon at all times. The principal topics are, that the Roman Catholic clergy shall identify themselves more especially with the poorer classes in the community;—that they shall weaken their attachment to the state, by showing how little the glory or the interests of their church depends upon it; and that they shall endeavour by all means to obtain a controul over the education of the Roman Catholic youth. These are the directions of Doctor Hussey; and from the evidence, it appears that they have been faithfully complied with. A party has been formed "between the priests and the poorer classes, which defies the power of the gentry." By the formularies of the church of Rome in Ireland, and by the habits and exhortations of the priests, the people are taught to estimate highly the glory and greatness of their church, and to hold the laws and the established government lightly in all matters in which they do not coincide with the institutions of the Roman Catholic religion; and by the exertions of the clergy, considerable progress has been made in obtaining a controul over the education of Roman Catholics, both of the higher and of the inferior classes. The advantages which the government proposed to itself in endowing the college of Maynooth, have not been attained; and the intrigues of the Roman Catholic bishops (if it be fair to adopt the expression of their disappointed friends), have proved successful.

"With respect to the establishment of Maynooth, there certainly appear to have been some secret practices, which the Roman Catholic laity thought of with great indignation. It had been intended that a system of education should be arranged, so as to be adapted to all religious persuasions. To this the bishops were said to have acceded, but they soon separated from the laity, and became directors of the Maynooth college, having, it was said, purchased their appointment by an address to the Lord Lieutenant, of which the laity highly disapproved. The following account is taken from "An Essay towards a History of Ireland; by T. A. Ermet, Esq."

They had also submitted their general principles to the prelates themselves, the majority of whom expressed the most decided approbation. They had even held meetings with those reverend persons, upon the best mode of bringing those principles into action. At one of those meetings, Dr. Reilly, the Catholic primate, Dr. Troy, the archbishop of Dublin, and four others who were present, made very considerable offers of pecuniary aid, more than might have been expected from their limited incomes. Dr. Reilly likewise proposed the sketch of a plan," &c. "This outline, with some other materials, had been referred to Dr. Ryan, Dr. M'Neven, and Mr. Lyons, three gentlemen extremely well qualified for digesting a more detailed plan, and they were actually occupied on the subject," &c.

"But while they were indulging enthusiastic expectations, there is strong reason to believe that the Catholic hierarchy had privately stated these proceedings to administration, and given it the option, either to permit the members of that religion to establish a popular system of education, which might not be conducted entirely to the satisfaction of the court, or to assist the prelates with its influence and resources, to establish another, over which they having entire control, could so manage, as to make it subservient to every purpose which government might wish to derive from such an institution. On these latter terms, a bargain appears to have been concluded, in which the address to his Excellency was to be part of the price for court protection. Certain it is, that after that address was presented, all co-operation and confidence between the prelates and the laity, was destroyed; and the gentlemen who were preparing a popular plan, were assured they might desist from their labours, as an arrangement had been made for Catholic education, which should be solely conducted by the bishops, under the auspices of government, and the sanction of Parliament."*

Thus, according to Mr. Emmett, was Maynooth college entrusted to the Roman Catholic bishops, and Dr. Hussey became president, a man of whom Mr. Cumberland, who knew him long and well, speaks thus in his Memoirs: "He did not exactly want to stir up petty insurrections in his native country of Ireland; but to head a revolution that should overturn the church established, and enthrone himself primate in the cathedral of Armagh, would have been his highest glory, and supreme felicity; and, in truth, he was a man, by talents, nerves, ambition, and intrepidity, fitted for the boldest enterprise."—Such a man was the first president of the college of Maynooth, such was the man who traced out the plan, according to which the church of Rome in Ireland has long been acting. The Editor does not

* Part of an Essay towards the History of Ireland, by T. A. Emmet's Pieces of Irish History, W. J. M'Neven, Esq. pp. 67. 68.

impute corrupt motives to any members of the Roman Catholic priesthood; he knows that it contains many estimable men in its body; and of individuals who still grace that order, he retains affectionate and respectful remembrances; but he cannot shut out from his mind the conviction, that if the ministers of the church of Rome in Ireland, confederated together for the overthrow of the Protestant government in church and state, they could not have advanced upon their end with greater steadiness, nor (consistent with their personal safety) more rapidly, than by acting according to Dr. Hussey's plans, and adopting the measures and the habits which he recommended.

The reader has an opportunity of comparing this remark with the statements on which it is founded; and the Editor will take leave here to recapitulate the heads of evidence already given in the digest, and indicating the progress which the Roman Catholic church in Ireland has been making:

1. In the year 1795, "The Treatise on Theology," was published for the use of Maynooth students, under the presidency of Doctor Hussey; of this Treatise it is unnecessary here to give any account.

2. In the year 1797, appeared the Pastoral Address of Doctor Hussey, then Roman Catholic Bishop of Waterford.

3. In the year 1800 or 1804, societies of humble persons for the education of the Roman Catholic poor, were instituted, and taken under the protection of the Pope. The nature of the education which these societies imparted, may be inferred from Mr. Dunphy's evidence.

4. In 1814, the Jesuit college of Clongowes was established for the instruction of the gentry;—and thus the education of the Irish Roman Catholics of the higher and poorer classes, was to become subservient to the designs or wishes of the Pope.

5. In 1816, Tracts exciting to sedition, and containing sentiments of religious bigotry and superstition, were widely circulated, and the Rheimish Testament was published with Doctor Troy's approbation.

6. In the year 1822, friar Hayes was permitted to preach and publish "his incentives to blood;" and when the nature and extent of the ribbon conspiracy had been fully disclosed to government, Doctor Doyle published a Pastoral Address, advising the discovered conspirators to desist from their attempts, but not commanding them to desist, not threatening them with an anathema if they persevered, and concluding with wishing them, whatever their determination may be, "peace and benediction:"—and in 1824, the same Doctor Doyle informed Mr. Robertson, in a published letter, that the government ought not to depend on the Roman Catholic prelates or clergy, because if a rebellion "were raging from Carrickfergus to Cape Clear, no prelate would fulminate an excommunication."

Thus has the church of Rome been proceeding for the space of thirty years, silently and unostentatiously working its way, implanting principles in the minds of the Irish people, which are growing "occulto velut arbor ævo," and are guarded against the liberal culture which might alter their nature, and against the too rapid developement, which might cause them to fade away suddenly like the grass; and while this guarded and secret progress is made by the unobtrusive energies of the church, the attention of the government is forcibly drawn away from the real source of danger by the clamours idly raised, and the colours idly spread, of men, who, while they serve their own private ends by violence and noise, effect for mightier and wiser spirits a secure calm, in which they can forward with all their energies, the cause to which they are devoted.

"I said before, that foolish as such empiricism may be, it was not without its use. There may be persons at work secretly in this country, who would not admit into their councils men without sense or modesty; but who might, nevertheless, adopt their exertions as a kind of screen, just as a skilful juggler employs grimace and noise to divert attention from his real occupation, and from his preparations for the master feat."—*Rock detected*, p. 407.

SECTION III.

CHAPTER I.

*Civil disabilities affecting Roman Catholics—
whether to be condemned as preventing the
investment of Capital in Ireland.*

D. O'CONNELL, ESQ.

Comm.
Mur. 4, 1827.
p. 108.

WILL you be good enough to inform the Committee, from what law offices Catholics are excluded in Ireland?

The Catholics are excluded from all the superior offices of the law; from the office of chancellor, from the office of the master of the rolls, the judges of the court of Exchequer, Common Pleas, King's Bench, Admiralty courts, Ecclesiastical courts; of course, from all those stations: they are also excluded from the office of attorney or solicitor general; or serjeant, counsel to the revenue boards, which in Ireland are places of very great emolument, and also from the office of King's counsel, the salary of which, I believe, is about thirty-six shillings a year, the advantages of which are very great even in this country, but are infinitely greater in Ireland, where we practise in all the courts, and where precedence is infinitely more valuable to each individual: Catholics cannot be masters in chancery.

Can a Catholic be proctor in the ecclesiastical court?

In practice they are not allowed to be so; I do not recollect whether the law precludes them, but in practice they are not; I believe the law excludes them. Catholics are not allowed to be advocates; although in point of law they may be such; Mr. Lynch, a gentleman of the bar, a Catholic, applied for a *mandamus*, he being

qualified in every other respect, in such a way, that if he were a Protestant the right would have been admitted at once: he was a doctor of laws, and he applied for a *mandamus* to compel Dr. Duigenan to admit him to practise as an advocate; but it was held by the court of King's Bench, that it was discretionary with the judge of the Ecclesiastical court to admit an advocate, and no Catholic has been admitted as an advocate; the practice of the Ecclesiastical court is, that if there be one advocate in a cause, other counsel may assist him, as they call it, who are not advocates; but the consequence of that is, that the conducting of ecclesiastical causes is taken away entirely from the Catholic barristers; and every gentleman who knows the profession, knows that no young man rises into considerable business with us, that did not begin by being a conducting counsel in particular causes, doing the business out of court, preparing the pleadings, advising each stage of the proceeding, having the agent or proctor communicating with him confidentially in the cause.

Comm.
Mar. 4, 1825.
p. 109.

Catholics cannot be sheriffs or sub-sheriffs?

Catholics cannot be sheriffs; it was the received opinion that they could not be sub-sheriffs; my opinion is otherwise, and accordingly for the last two years there have been Catholic sub-sheriffs; they have acted upon my opinion. There is an act of Parliament distinctly making void certain acts of sub-sheriffs; but from the entire construction of that act I think they are not disqualified, and I published an opinion upon it, showing my view of their capacity to be sub-sheriffs; and for the last two years they have been so sometimes.

Are Catholics excluded from all corporation offices?

From all corporation offices regulated by the act of settlement, the new rules and regulations to the statute of the 15th and 16th of Charles the Second, to the best of my recollection; the act of settlement authorized the

lord lieutenant and privy council to make rules and regulations by a proclamation, which should have the force of law, in the arrangement of corporations in future, to avoid danger from the republican settlers who had got possession of the corporations; I mean the Cromwellian settlers; and by these rules and regulations no corporate office can be held without taking the oath of supremacy, which Catholics do not take. In the statute of 1793, there was an exception; that statute does not extend to any thing contrary to the new rules and regulations. I believe the framers of that act were not apprised of the extent of exclusion that was created by that exception. The new rules and regulations apply to all the principal corporations in Ireland, to every one worth speaking of; and the result of them is, that the Catholics cannot be mayors, sheriffs, aldermen, common councilmen, sub-sheriffs in corporations, town-clerks, master or warden of any guild, or fill any station in a corporation, save that of simple freemen, which is not a station, but is the possession of the franchise.

Can Catholics hold the office of governor of a county?—No.

Or that of *custos rotulorum*?—No.

Then after the description you have given of the offices from which they are excluded, the following are the whole of the remainder that are excepted in the act of 1793, namely, the office of lord lieutenant, lord chancellor, lord high treasurer, secretary of state, chief secretary to the lord lieutenant, keeper of the privy seal, vice treasurer, privy councillor, teller or cashier of the exchequer, auditor general and postmaster general?

Yes; but in that list there are most important situations omitted, an omission that is the cause, perhaps, of all we consider grievous: we are excluded from both Houses of Parliament.

They are not excluded from any honorary distinction, such as knights of Saint Patrick?

No; not from titles of honour, they are not excluded; the first titles in the nation are the right of, and are enjoyed by Catholics.

And they are excluded from no rank in the army?

There is a clause in the annual mutiny act, that dispenses with the putting of the oath of supremacy; that has been called amongst us, Mr. Croker's clause, a clause which allowed the superior officers to admit an officer to take rank in the British army, without taking the oath of supremacy, and took away the penalty which the superior would otherwise have incurred, if he had omitted it; the practical effect of that I take to be, that at this moment the army is, as open practically to the Catholic as to the Protestant, throughout all its ranks.

Does that extend to the navy?

My opinion is, that it does.

Can Catholics be commanders in chief?

I speak now from a recollection of the clause, but the clause seemed to me to be universal.

MR. JAMES CROPPER.

Do you consider that Ireland affords natural advantages that would render it a proper situation for the establishment of manufactures, with improved machinery?—Ireland has very peculiar advantages in the water power, and at present, there is the advantage of very low wages; that, I should hope, if manufactures are introduced, would be partly done away; but the water power is a very great advantage.

Comm.
May 18, 1825.
Report, p 669.

Do you consider that there is any disinclination at the present moment to invest English capital in Ireland, in the erection of mills and machinery, and undertaking manufacturing industry upon a large and improved scale?—There is no doubt that there is great indispo-

sition, and I should not only say to invest English capital but Irish capital, for Irish capital is coming over to this country; and it must be from some supposition, and I am afraid there may be some reality in it, that property in that shape is not secure in Ireland under present circumstances.

Having stated that you consider that capital might be advantageously invested in Ireland, if the political and moral circumstances of the country were similar to those of England; in what respect do you consider those circumstances to differ, so as to prevent the introduction of English capital there?—The situation of the country is altogether different; there is not the habit of industry, there cannot be, and it would take a considerable time to bring them round to those habits; but the great thing is, the irritating feelings that are occasioned by the “Catholic question,” the disabilities of the Catholics.

Do you not consider that so long as the statute law of the country treats four-fifths of the population of the country as persons who are dangerous to the state, and ought not to be trusted, that there will exist a distrust on the part of English capitalists, which will prevent them from investing capital in that country?—I have no doubt whatever of it. I know one particular instance of some persons that intended to have laid out money, with the view to the future establishing of manufactures in Ireland, who, hearing the Bill was likely to be thrown out in the House of Lords, changed their intention.

Were those gentlemen large capitalists?—Yes; rather.

R. J. W. HORTON, ESQ.

Comm.
ch. 23, 1825.
Report, p. 10.

You have stated that the superabundance of population in Ireland is merely relative; do not you think that the applying four millions, which it would cost to export two hundred thousand persons, as capital in Ireland, would give them sufficient employment, so as to make them not superabundant population in Ireland?—I certainly

am of opinion that greater advantages would, as I have already stated, take place from the introduction of capital, after a certain proportion of the population had been taken away. I do not at all mean to say, that I contemplate for a moment, that all the redundant population, in the sense in which I employ that term, can be removed, but I think the removal of a part would give a greater effect to the introduction of capital. The question is, how are you to employ this capital? I must presume, that capital would naturally flow into Ireland, if there was a chance of that capital producing a beneficial return, and therefore, till I am informed in what manner it is proposed to employ four millions in the introduction of capital to put this population in employment, I can hardly be expected to give an answer to the question.

When you say, that the abstraction of a certain portion of this abundant population, would be a good preparation for the employment of capital in Ireland, do you mean, that it would produce an increase of tranquillity, which would tend to encourage persons to send their capital into Ireland?—Entirely so; I mean, that those districts, which now, I presume, to be in a state of disquiet from the superabundance of their population, would be partially tranquillized, and then the introduction of capital might absorb the whole redundant population, and the natural result of an employed population would ensue. It is necessary, in calculating the expense which had been alluded to, as compared with the wages of labour in Ireland, to take into consideration the advantages which are to arise to the country in a national point of view, from the removal of those emigrants. We have colonies requiring population, which feel every hour that it is the want of population that prevents their resources from coming into play, and which are ready to receive this particular class of population, which it is contemplated to send them; and I should imagine, that

so far from the expense of that four millions being lost to the country, if traced accurately for a series of years, this capital would be found to have reproduced itself in the colonies, in the most beneficial manner; it would unquestionably be a present outlay of capital, but ultimately there would be no loss incurred.

MR. JOHN ASTLE.

Comm.
Mar. 8, 1825.
p. 138.

CAN you give the Committee any information with respect to English capital going over to Ireland?

I think that one great cause of its not coming over is this state of union of trades, for instance, there is Mr. Wright, the hatter, was obliged to remove one part of his manufactory out of Ireland, in consequence of the combination; but there have certainly been more English capitalists come latterly than there have been formerly; there have been considerable investments made in the north, in the cotton factories.

You conceive that any measures, the effect of which would be to tranquillize Ireland, would also have the effect of inducing English capitalists to fix there?

I think that any measure that would put down all societies, whether political or trading, would be a very material benefit in Ireland.

J. ABBOTT, ESQ.

Lords,
Mar. 16, 1825.

HAS there been any reform in the mode of appointing sheriffs?

There has been a very great reform, as to the appointment of high sheriffs.

Have those abuses to which you have referred, taken place to the same extent since that reformation?

I believe, to the same extent, or nearly so. The under-sheriff is a person who makes the office, as far as possible, an inheritance. He has it, in most instances, for his own life. He frequently commences office with small property, and acquires a considerable one.

Have you found many of your clients, in consequence of this, object to advancing money on mortgage?

No doubt of it. I have also been concerned for a number of persons in the neighbourhood of Birmingham and Wolverhampton, and the manufacturing towns, who have had very considerable dealings with persons in the country towns of Ireland; and who have been so far deterred from continuing to trade in the country, as to close their books. Some of the most respectable of such persons saying, it was not worth their while to do business in the country, with the exception of the city of Dublin and the town of Belfast, where trade is better understood.

This cessation has been the effect of the difficulties you have experienced?

I have no doubt they have materially contributed to that result.

What was the nature of the difficulties you have had to struggle with?

The difficulties arising from the very imperfect manner in which the duty of sheriff is performed.

What sort of impediment did you meet with in the office of the sheriff, to the execution of your process?

In Ireland, notwithstanding there are very strong enactments against the continuance in office from year to year of the under-sheriff, it is very generally the case, that it is held by the same person for a number of successive years, and frequently for life; and the under-sheriff goes into it with very little idea, I may say, of doing any duty, save what may be productive to himself.

What inconvenience has that occasioned to you, in proceeding to execute any process?

So much so, that we are in the habit of saying, that the obtainment of final process is the beginning of trouble. There are two sorts of final process, one affecting the person, the other the goods of the party defendant

Generally speaking, with respect to process against the person, I may say, we have first to catch the sheriff; because it is frequently his desire not to receive process. In speaking of the sheriff, I mean the under-sheriff; the high and under-sheriffs are one and the same in law; but there are few instances, though there have been some, of a high-sheriff doing his own duty; it is generally executed by a person who has been of the profession of an attorney, though there are a few instances to the contrary. It is true they do not practise while in office in their own names, but they almost uniformly practise in the names of others.

When you have found the under-sheriff, what is your difficulty; is there not an ostensible office where he is to be found?

Never; that is the great difficulty. There is not a sheriff in Ireland, with the exception perhaps of a few in the principal cities or towns, who has any office; and except in the city or county of Dublin, I believe the sheriffs are without any ostensible office; and that is the primary difficulty.

In what place do they transact their business?

Their own house; which is generally approachable in the same manner as that of any private gentleman in the country. He generally lives in the country, and has his gatehouse or his lodge, and is to be approached by the same avenues as the residence of any other gentleman in the community; and, excepting himself, and his domestic servants, we do not expect to meet with any body to whom process of any sort can properly be delivered.

When you see him what follows?

He will perhaps look at the writ, and say, "Well" or "It is very well," or "I shall take care of it." If you press him to the execution of it, if it be against the person, you find that he has no bailiff, he never keeps one.

Is that his answer?

It is sometimes his answer, and is, I believe, always the fact.

How do you transact your business with him?

The person by whom the writ is delivered is perhaps prepared to demand, either that the sheriff will grant a special warrant, if it be against the person, which in some instances they will give, upon payment of certain extra fees, and an indemnity or security, such as they shall please to require, against the consequences of any mistake or error in the mode of executing the process; which is very fair, because they are subject to the consequences of any misuse which might be made of it.

Whose name does he put into that warrant?

Any person that is desired, on the payment of the usual fee.

You spoke of extra fees; do those extra fees bear any proportion to the sum for which execution is taken out?

No not any.

What governs the amount of those extra fees?

Merely, I apprehend, either the pleasure of the sheriff, or more commonly the usage or custom which prevails on granting special warrants.

Is there any usual amount for that fee?

I apprehend there is; this fee in the county of Dublin is fifteen shillings and two-pence.

The party being in possession of the writ so granted, what does he do?

In nine cases out of ten, I may say that the writ is not executed, the sheriff frequently giving the party notice, so that it becomes perfectly nugatory.

Is there any fee for giving notice?

I apprehend not any fee so called; but the course is this, the sheriff expects, of the two the defendant will be a better customer to him than the plaintiff; the defendant is in his bailiwick, the plaintiff is not. It is therefore, I apprehend, the usual practice to get the

fees from the defendant, to which the sheriff would be entitled upon executing the writ for the plaintiff; he therefore does not get any fee specifically for not executing the writ, but he gets the fee to which he would be entitled had he executed it. And therefore I have known an equivocal creep into evidence given on that subject, that is, that the sheriff did not get any thing for obstructing the course of justice; but he gets the same as if he did the duty.

Have you ever known resistance made to the officers, to keep them from taking possession of the land?

I make no doubt there are cases of that sort.

Are there any within your own experience?

I have no doubt of it; but I really do believe, with respect to executions against goods, that resistance is not frequent. In respect of possessory writs, I have no doubt it is.

What sort of resistance?

Armed resistance by the tenants, or the immediate retainers of the defendant.

Can you mention any counties in which this has occurred?

In the disturbed counties, such as Tipperary or Limerick.

Do those practices obtain now, or have they been diminished of late years?

I rather think they have been diminished.

Within what period?

Such acts of resistance generally keep pace with the political state of the country; when disturbed by political affairs they frequently occur.

Is it usual, or considered to be proper, for a sheriff to appear at any public meeting in his county, such as races and fairs, and where he is likely to meet with a great number of persons?

I apprehend they do; though I have known instances where the sheriff purposely absented himself from places

of that sort, lest he should implicate himself by coming into collision with persons against whom he held writs.

Would it be always safe for him to go to such a place?

I apprehend it would not be safe if he was known to do his duty; but it is so perfectly understood that he will not do his duty, that he experiences as little trouble there as other people.

Might he not be liable to an action for an escape?

He might in some cases. I should think that any sheriff who went to a place of that description, and attempted to execute process against a person there, would be in personal danger.

Do you think any advantage would result, or any facility be given to enforcing process, if sub-sheriffs were forced to be annually appointed?

Most unquestionably; and I will state the reason; the sub-sheriff, as the law stands, is perfectly aware that if there is a writ which he does not execute during the present year of office, he has the same benefit if it shall be executed in a subsequent year; and that, in fact, he may get it over and over again, exactly as it is said of petty magistrates, I have heard of in Ireland, (and elsewhere perhaps), that by a summary species of operation, which may be termed a nonsuit, they have the same cause tried *ad infinitum*, to produce the petty fees arising from summonses; the sheriff frequently looking upon the defendant as a permanent customer, living within his jurisdiction. I have been informed, and have no reason to doubt the fact, that instances have occurred of a regular annuity being paid by a gentleman in Ireland to the sheriff, who had compounded on a large scale, for his fees; the defendant considering it his interest or convenience to pay a large annuity. In one instance, I have heard, that 1,500*l.* a year, was paid by one individual.

Is there any advantage arising from the experience which a person in the office of sheriff might have in carrying on business ?

Unquestionably, if the office be one of great extent, such as Middlesex, or perhaps some other counties in England, it would be a desirable thing, that a man well acquainted with his duty should remain in office ; and I believe there would be no objection to it, were it not attended with the evils which I have stated ; but I am quite sure that the business of no sheriff's office in Ireland is of such magnitude, as to prevent its due execution by a succession of new under-sheriffs ; for by the law, as it now stands, county sheriffs may resume office on the fourth year, to which I apprehend there is no objection ; because in passing through the office for the one year, a sheriff finds it his interest to execute process which would otherwise go to another person on the following year. I have known an instance of a sheriff of Dublin, being particularly anxious to get process into his office at the close of his year, lest he might not have the advantage of executing it.

Have you considered whether any more effectual system of checks upon the abuses which have been described, can be devised than that of penalties ?

Penalties certainly have never effected any thing. With respect to the sheriff, I have heard it said, that in some counties, the first act the sheriff himself has done, was to get a friend by *qui tam* action brought against him, for the purpose of pleading it in bar of any other. I do not know whether that is frequently resorted to. Of the very first importance I conceive it would be, that every sheriff in Ireland should be bound to have an office, either in his assize town, or some part of his bailiwick ; or that a returning officer should be in Dublin, or some certain place. In short, it would be almost immaterial where. Suitors would be satisfied if they had any one certain place to go to, where it would be

competent to them to deliver their writs, and that the delivery there would be such a one as the court would notice.

An agent in Dublin?

Either there, or at the assize town; but that he should have an office, and that it should not be necessary to employ a special messenger to follow the sheriff wherever he may happen to be, for the purpose of delivering such writs. At present it is necessary in most instances to send a man with the writ in his pocket first to seek the sheriff, and notwithstanding what has been observed with respect to public places, I have known instances where the person so employed has gone to a public place, as affording him, he conceived, a better chance than the private house of the sheriff, in order to watch the sheriff, exactly as if he was going to arrest him. The next remedy I should submit is, that the sheriff should be bound to return the writ within a certain number of days after the return in it expires, and that he should file it in the proper office in Dublin, as I have no doubt by law he is bound to do, but which he seldom or never does, until a conditional fine, as it is called, is entered against him; under the apprehension of which conditional fine being made absolute, he sometimes will return the writ; but even then there frequently exists a contract between the defendant and the sheriff, to protect him against the costs, expenses and consequences of such fine. Until lately, the course frequently was, that seeing that the sub or under-sheriff generally continued in office from year to year, or for life, the party issued a writ *pro forma* to him, not in the slightest degree hoping to have it executed, but a return upon it of no goods, or *non est inventus*. With a view then to direct a renewal of it to the coroner, who being a person not immediately resorted to for the levying of monies in this way, the plaintiff might be successful with him, because it was not his primary duty to do it. And sometimes

by offering a sum of money to the coroner, he was prevailed upon to do that which the sheriff would not. But by an Act of Parliament which was lately passed, in the third year of the present King, after reciting the poverty of coroners, and insecurity in putting them in a condition to receive money, it is enacted, and no doubt very properly, That no person shall serve the office of coroner in Ireland, from thenceforth, unless he shall be possessed of fee simple, or estate of inheritance, to the amount of 200*l.* a year, or freehold property to the amount of 400*l.* If the Act had ended there, it would be perfectly unobjectionable; but having provided a remedy, it then goes on to treat the coroner as if he still continued a pauper; for it is by a subsequent clause enacted, That you shall direct no writ to him, unless the party defendant be of kindred with the sheriff; thereby cutting off one of the best chances the plaintiff had of getting his process executed. The Act recites poverty and ineligibility, and provides a remedy, yet still treats the coroner as if he were to continue a pauper.

You recommend an alteration of that Act?

Yes; there is not a possible advantage to be derived from stripping him of the power of executing process. There is a great advantage in making him a man of property. The Act having done so, I think the party should have the power of directing writs to him, by repealing that clause.

At the desire of the Committee, the Witness handed in a paper, from which the following are extracts:

Mar. 18, 1825. "To remedy in some degree those evils, I should most respectfully suggest, in addition to what I have stated in my former examination, that in case any sheriff shall receive fees from the defendant on foot of any writ, save upon whatever sum may be levied and paid over to the plaintiff, he shall be liable to the plaintiff for the sum marked at the foot of the writ, or at least

for a sum in proportion to the fees so received, to be recovered by action or attachment."

" This remedy if ever eligible, cannot of course apply to executions against the person, when the sheriff becomes entitled to his fees on the sum marked at foot of execution on lodging the defendant in prison."

" The cases, however, of execution against goods, being far more numerous than those against the person, (and desirably so,) the measure would, as I conceive, be highly beneficial.

" It is submitted, that at the time the under-sheriff is sworn, he shall state the place where he proposes to keep his office; that such office shall be kept open during the forenoon of each day, as the office of the sheriffs of the city of Dublin; that it be imperative upon him to keep proper and sufficient officers to execute all writs directed to him, whether against the person or property of the defendants; that it shall be competent to the attorney to said writs to forward same by post, free of expense, to the sheriff, and, as in England, upon the expiration of the return of said writs, to enter a conditional rule, as of course, without affidavit, for the sheriff to return any writ so forwarded; which rule being served upon the sheriff, affords ample protection to him against any surprise or undue liability.

Mesne Process.

" In England mesne process; like all other process, is so well executed, that the necessity of personal service is, I understand, seldom felt as any obstacle; the practice, too, of holding the party to special bail, is almost uniform. In Ireland the reverse is the case, it being impossible (with the few exceptions mentioned) to get process to enforce special bail executed. The general mode of proceeding is to enforce common bail, or appearance; so that where an English suitor instructs his attorney in Ireland to proceed, he usually accom-

panies his instructions by an affidavit to hold his debtor to special bail. These affidavits are usually thrown aside as waste paper, any attempt to use them being only attended with expense and loss of time. Seeing, therefore, that a suitor has none of the advantages to be gained in England by this mode of proceeding, the necessity of affording every reasonable facility to the service of process to enforce common bail, is the more obvious. It is a subject particularly deserving of attention at the present time, when so strong a disposition is manifested to employ English capital in Ireland. Hitherto it has come within my own knowledge, that persons in trade, and others in England, have been deterred from doing business or embarking their property in the country, by reason of the known difficulties attending upon the execution of law process in civil suit. The sad experience of persons in trade in Ireland has proved that such apprehensions were but too well founded. The older and more opulent class of persons in trade in Dublin frequently decline doing any business with persons in the country, except for cash: younger and less experienced traders, anxious to do business, as the only means by which they hope to establish themselves, are frequently induced to embark in a credit trade, in most instances to their ruin. They frequently, from this cause alone, become bankrupt, having little more to return to their creditors but a schedule of bad and doubtful debts, a small part only of which is ever collected. In various cases of bankruptcy in which I have been concerned, this has been the case.

“ For several years after the introduction of this process, it was the practice to direct it to any sheriff in the kingdom. The body of the writ being a mere legal fiction, and the notice at the foot containing an explanation of the real intent and meaning of the service of the process, it was also customary for the plaintiff's attorney, when practicable, to get the process served through the

medium of any professional friend, who, to oblige him, would perhaps employ a process-server in his own county to serve the defendant, and would make such affidavit to verify as was believed was required by the act of parliament above mentioned.

“ By the ingenuity of counsel it was, however, subsequently discovered to be necessary that the process should be served in the county, to the sheriff of which it was directed; and also, that the attorney who should verify the process-server's affidavit, should swear, not merely to his belief in the fact of service, but should state, that he (the attorney) was employed on behalf of the plaintiff to have the process served.

“ It is submitted, that there can be no reasonable objection to make personal service on the defendant in any place good service; and that the affidavit of the plaintiff or attorney to verify the affidavit of the process-server may be altogether dispensed with, or, if continued, that it may be made by an attorney, whether employed by the plaintiffs or not. By the points of objection, before stated, with respect to the place in which the defendant may be personally served, no possible advantage consistent with justice, can be had by the defendant; they are merely obstacles unexpectedly discovered and opposed to the plaintiff, from which it was manifestly not contemplated by the legislature that the defendant was to derive any advantage.”

T. F. LEWIS, ESQ.

WHAT observations did you make upon the manufactures in the different parts of the country?

Lords,
Feb. 18, 1825.

Such observations as I had an opportunity of making, in the year 1823, were to the highest degree satisfactory; an entire change has taken place; it would hardly be too strong to say, an entire revolution has taken place in Ireland on the subject of manufactures. The change which has been made in Ireland, by the removal

of what were called protecting duties, and sometimes called union duties, has produced effects infinitely more beneficial than the most sanguine persons anticipated. At this time, any person in Ireland who can find a loom, and can weave, may be employed; and I have reason to know, that the demand in the cotton weaving is such, that the persons employing them are willing to pay wages in advance.

To what parts of the country, and what particular manufacture does your observation extend?

Cotton, most particularly; the great change has been made in cotton.

In what parts of the country?

It has applied itself to those in most easy communication with the manufacturing parts of England, and in that part of the country where manufacturing was best understood; that is to the north, and to the east; I should say, commencing at Drogheda, it follows the north-eastern coast to Derry, not spreading as yet much into Donegal. The capitalists of England set to work very cautiously; they have not set about forming large establishments; they keep their capital as closely as they can within their reach; the mode that they have resorted to has been such as will enable them to derive assistance from Ireland, in the least hazardous sort of way. It has been very gratifying to see the prudence and the dexterity with which they have approached their object. Ireland has hands that are able to weave, the linen manufacture having raised up a population acquainted with the practice of weaving. The manufacturers in England have begun to send over cotton spun in England, to get it woven in Ireland, and it is immediately brought back into England to be finished. They risk very little; with this there is nothing of large establishments, no spot where a great deal is accumulated together; there is nothing that can be destroyed by any sudden casual act of violence, and they part with it for

a very little time; it is soon returned after it has gone from them: and in this way it is not that in Ireland there is raised that which was once attempted, a separate and a rival system of manufacture, but it is gradually becoming incorporated in the British system of manufacture; it will form a component part of it, which is, in my view, infinitely more to be desired. There are, indeed, separate establishments, which have at the same time increased; the spinning establishments in the neighbourhood of Belfast have been enlarged; and I was shown with great triumph, one which had been recently erected, which was five feet longer than any one in Manchester, a prodigious fabric for the spinning of cotton.

It is generally understood that the linen manufacture is spreading westward. The communication with England, and the ports in the west of Scotland, is more difficult than it would be if distance was the only thing to be considered. The prevalence of western winds makes it very difficult to double the north of Ireland; and the cotton manufacture has established itself most where the communication with this country is the easiest; the linen manufacture, not depending so much on British communication, has rather travelled westward. There is a cotton manufacture established, at Bandon; in the county of Cork; and I have been told by persons who have observed upon it, that it is extremely thriving and prosperous; that its effect has been most beneficial upon the manners and habits of the persons living in the neighbourhood; and that it is remarkable, during all the disturbances which have agitated the county of Cork and its neighbourhood, that that district has never been disturbed in such a way as to interfere with the operations of the manufacturers.

Do you mean that that was in conjunction with the British manufacturer, or a separate establishment?

That was a separate establishment, that grew up in

Ireland during the time there was a desire to establish a separate system of Irish manufacture, not at all of the class that I have described, as being in connexion with the British system of manufacture.

Are you aware of any natural or artificial obstacle to the extension of both the cotton and linen manufactories in the south of Ireland ?

I think that if the manufacturers are left, as I trust they will be, to pursue their interests in their own way, the cotton manufacture will establish itself in the north-eastern parts of Ireland, before it establishes itself in the west or south. My reason for thinking so is, not because I apprehend any fatal obstacle or permanent inaptitude in the south-western part of Ireland to become a manufacturing country, but because I think those things are decided by preference, and that that preference rests on interests; and I think that the habits of the population of the north-eastern part of Ireland are already formed; they are already a people accustomed to manufactures, and that of itself would be an important circumstance, in deciding the course that manufactures will naturally take. I think, also, the facility of intercourse by steam vessels in the narrow seas, will have a very material influence in favour with the north of Ireland. I have no doubt myself that the demand now is such, and the cheapness of labour in Ireland is such, that the applications for assistance from the manufacturers in Great Britain, will not be fully satisfied in the north-east, and I have no doubt that it will extend to the south; but there they have much to create that they have not in the north-east, and they will have much more difficulty in creating it.*

* The southern ports of Ireland (and more particularly Cork) being those whence the exports of provisions are principally made, may also have had considerable influence in determining the nature of the trade.

To what do you attribute the extreme caution which you state prevails at present, as to the manner in which the manufacturers and merchants of Great Britain employ their capital in Ireland ?

To the whole subject being entirely new and to the vague apprehension not having been yet dissipated, it has not been the object of any person to discover on what it is founded ; but if persons find that in Cork and in Kerry the wages of labour are materially lower than in any other part of Ireland, those persons will soon wish to take advantage of that circumstance, and will set about finding out the obstacles that prevail. If there is a prospect of being burned down, they will soon ascertain that ; but they will take pains to ascertain whether there is any such danger ; at present there has not been an opportunity of ascertaining that ; communication with England under the ten per cent. duty, was never thought of ; the idea of carrying cotton goods into Manchester to be sold, was a thing we could not have mentioned in 1821, without being scouted and laughed at. The manufacturers of Belfast, who came to London to petition us not to destroy them, thought it a mockery when they were told they might find a market here ; they could not believe it ; but nevertheless they sold a part of their stock at Manchester, on their way home. My persuasion is, with respect to the establishment of manufactures in the south of Ireland, (though, as I have already said, I do not think them likely to be established there so soon as in Ulster,) they would not be exposed to material danger ; on the contrary, that they would have a tranquillizing effect ; I do not believe they would be more the object of attack than here ; they might incidentally be brought into danger ; if there was a sweeping hostility between the people and the troops, they might be in the way of the fire ; but I do not believe they would in themselves be the object of any hostile act whatever ; on the

contrary I think they would have a great tendency to do good.

Do you not think, that if the disturbance of Ireland were allayed, and the country were to be brought into a state of permanent tranquillity, the English capitalists, who now proceed so cautiously to so small an extent, would immediately establish manufactories in Ireland on a much larger scale?

I have no doubt that the manufactures will increase in Ireland most rapidly, and that without its being certainly known whether the tendency to disturbance has wholly ceased or not. If the disturbances are frequent, or the demand for goods less, the progress will be slower; if the tranquillity is greater, and the demand increased, the progress will be more rapid; but I think, throughout all, the interests of the manufacturers will rapidly operate a most essential change. I do not doubt, that a beginning has been made of a system, which will operate, with more or less regularity, until Ireland is brought to have a fair share of the English system of manufacture, and until the wages of labour become nearly on a level with the English wages, and until profits are nearly equal in the two countries; that may be a distant period, but I have no doubt there will be a rapid extension of manufactories in Ireland.

Has it fallen within your knowledge, that recent events have given a check to the employment of capital in Ireland?

If the question alludes positively to any great amount of capital that has been heretofore employed in Ireland, I should say certainly not; if it is comparatively or relatively, I should not entertain a doubt that if the disturbances of 1821 had never existed, more capital would have been attracted towards Ireland than has gone there. There has been no check lately in the industry of Ireland, I cannot say whether there might not have been a greater extension; if the question alluded to an

anxiety which has existed in the public mind within the last five months, I should say, I did not think that any persons not engaged in the political contest, and whose minds were not heated by arguing the question, (such persons as have been industriously occupied in Ireland, and whose minds have been directed to manufacturing or commercial pursuits,) have been impeded in the slightest degree by that which has been lately passing in Ireland; for I would say, having been in Ireland in 1821, and having been there in 1824, the comparison between the state of the country then and now, has been, that in 1821 there was serious disturbance, growing out of the desperate state of a part of the population, who were ripe for any acts of violence, to which their own object might prompt them, or to which any individuals of influence might direct them; there was a system of daring outrage; and the degree to which that might extend, no person at Christmas 1821 could foresee; but there has been of late a contest on a high surface, which created uneasiness and a transient panic, while the bosom of the country has been quiet. No man can say to what evils leaders may direct the population. Of late there has been no disposition on the part of the lower orders to rush spontaneously into mischief.

Are you aware whether any manufacturers in Ireland have extended their trade of late, by having greater facilities of obtaining money on loan, or having greater credit on England, than they possessed formerly?

I believe not; I think the principal manufactures which have hitherto grown up in Ireland, since the alteration of the law, have been in connexion with the English firms, and supported by capital which has still continued to be furnished not in the nature of English capital lent to Irish manufacturers.

It is your opinion that, speaking generally, very little English capital has established itself in Ireland?

I have no reason to believe any great amount of English capital has fixed itself in Ireland and disconnected itself with England. I have heard indeed, but I do not know it certainly, that a Mr. Hutchinson has removed his establishment from Glasgow to Derry.

Are you aware whether there has been any considerable disposition on the part of the capitalists of this country to purchase land in Ireland lately?

There has been a most anxious search in Ireland for mill-sites, in the part of Ireland which is most manufacturing, with a view, I believe, to take advantage of the power of water.

Are you aware of any desire for the investment of capital in land?

One fact was stated to me, of a sale which took place in the county of Louth, in which the former average price of land was greatly exceeded, from a demand quite unheard of; it was made the subject of conversation.

You cannot state whether that has been produced by the operation of English capital?

I am not aware of the fact.

J. L. FOSTER, ESQ.

Lords,
Feb. 18, 1825.

Has the price of land increased in Ireland, in the course of the last few years?

I conceive that the rents are now within about twenty-five or twenty per cent. of being restored to the rates at which they stood immediately previous to the conclusion of the war; they had become almost evanescent for two or three years after the peace.

To what part of the country do you refer?

I can speak of the county of Louth with some certainty. I should mention that the county of Louth contains, perhaps, the best arable land in Ireland, and very conveniently circumstanced with respect to markets; I conceive that the best land in Louth, in the

high times of the war, would set, upon a lease of twenty-one years, for three guineas or 3 *l.* 10 *s.* per Irish acre; and very solvent tenants would be ready to take it at that price; the same land I conceive had fallen to about 2 *l.* or two guineas an acre at the commencement of the peace, and the rents undertaken to be paid at those low rates were very imperfectly collected. I conceive that the lands could be set now at from 2 *l.* 10 *s.* to 3 *l.* and that those rents would be paid; I am now speaking of the best land. I conceive the rate of purchase in the county of Louth, during the latter years of the war, was about twenty or twenty-one years purchase; land attended with neither any peculiar advantage or disadvantage. Within the last year I have been very much surprised at the rate at which it has been sold. There was an estate near to my residence, lately sold by auction for an amount which I conceive equivalent to about twenty-seven years purchase. I inquired from a law agent, who was bidding in competition with the person who purchased it, and he told me he was commissioned by a Liverpool merchant. I asked whether that person had been in Ireland, or had any connexion with the county of Louth; he told me not, but that he had commissioned him, from seeing an advertisement in the newspapers.

Have the goodness to specify those portions of Ireland into which manufactures have made their way, and what manufactures?

I should first mention cotton, as that which is now making the most striking progress. Since the alteration in the commercial system of Ireland, which was adopted in the year 1822, consequent upon the recommendations of the commissioners of revenue inquiry, the cotton manufacture has occupied certain portions of Ireland in a very surprising manner, and is extending itself into others.

You refer to the cessation of the protecting duties?

Yes; it seems to be generally understood, and admitted now by every one, that the system which called itself one of protection was one of prohibition, and that the cessation of that system has presented an opportunity for the exertion of Irish industry in directions and to an extent that never were dreamt of. The districts in which it appears to have as yet operated have been the north-east and eastern parts of Ireland, as being most easily brought into communication with Glasgow and Manchester; from these two points, I conceive, the whole of this accession of manufacture has had its origin. The counties which the manufacture is at present occupying are the counties of Down, Antrim, and Louth, and the county of Dublin to some degree; but it is proceeding also to the north-west, and will, I have no doubt, to the westward and southward. The finer branches of the linen manufacture have hitherto held their ground, and I should be inclined to think they would continue to hold it, and would continue in the north-eastern counties in connexion with the cotton manufacture.

How far have those manufactures extended themselves to the southern and western counties?

It is not easy at present to trace them; I know the fact, that when I was in Munster, in September and October last, I found those places which had been the seat of the coarser linen manufacture, were in fuller employment than they had been for some years past; the same observation applies to Connaught. I found in Sligo and Mayo the general impression of the persons concerned in the coarser linen manufacture was, that the demands were increasing and improving, though they were unconscious of the cause.

Do you conceive that the coarser linen manufactures have been migrating from the counties in which they were carried on, to those counties?

I think they are commencing to migrate. I will mention some circumstances connected with the county which I have the honour to represent, the county of Lowth; that was, to a considerable extent, the seat of the coarser linen manufacture. About two years ago, there was scarcely any profitable employment remaining in that branch of industry, for the weavers immediately about my own residence, in the vicinity of the town of Dunleer; at that period of time the profits of the linen weaver were about 5s. a week, and he found considerable difficulty in obtaining regular employment even on those terms; at present every weaver around me is fully occupied in weaving cotton, and not linen; I therefore must conclude, that the linen manufacture has practically migrated from my part of the country. The weavers are now able to earn from 7s. to 9s. a week in the cotton manufacture, attended further with this advantage, that it admits of their wives and children working also, who can earn as much as themselves; whereas in the linen manufacture the profit was pretty much confined to the master of the family. The cotton manufacture is also attended with this great advantage to them, that they are not obliged to seek out for their materials as in the linen manufacture, for their labour is so anxiously sought at present in the cotton, that the weaver has only to tender himself for employment, and he is furnished with the cotton twist by his employer: There is at present a very marked and singular competition among the employers of the weavers; I will mention some proofs of it. The first appearance of the change in Louth was about a year and a half ago, in my noble relative, Lord Oriel's town of Collon. A perfect stranger appeared there in the course of a summer's evening; he asked, how many weavers were in that town and its vicinity; he was told the number, which was, I believe, about four or five hundred; his answer was, he was sorry there were not as many thousand, for he was ready to

employ them all. The people did not know what to make of him; but the fact turned out to be, that he was connected with some of the Manchester houses, and he has in fact supplied cotton twist to all the weavers in that vicinity ever since. There is, of course, the usual struggle on the part of the employers, to take advantage of the low prices, and a struggle on the other side to obtain an advance of wages; but a man who had dubious employment at 5s. a week, in linen, is now certain of employment at 7s. or 8s. a week, in cotton. About five miles from Collon, there is the village of Dunleer; in its immediate vicinity there were four or five hundred linen weavers; those persons were all nearly starving, and were equally ready to weave cotton, but there was no demand for it; very lately two strangers to Dunleer, have established rival offices in the village, each bidding against the other for the employment of those persons. I have some information also as to what is passing in the county of Down; at present, there is in it so great a competition for the employment of weavers in the cotton manufacture, that it is becoming the course of the trade for the employer to pay the weaver in advance; and it is not uncommon at this moment for the weaver to have the payment in advance from two or three employers, under the promise of serving each of them first. I mention this to show the anxious demand which exists for the employment of those persons. I have also understood, (but I have not myself been in communication with the individual,) that there is a person in the county of Tyrone who is employed by some of the English houses, who has not less than 2,000 weavers in his employment at present in the vicinity of Drogheda. A great deal of the twist which is so woven, is actually sent from Manchester for the purpose of being woven in this part of Ireland, and goes back, without passing through the operation of being bleached or dressed, to Manchester.

General Observations.

Before submitting to the reader, the arguments and opinions of witnesses on the question of "Catholic Emancipation," considered on its own merits, and with reference to general principles, the editor has thought it expedient to disembarass this important subject from the arguments or sophisms which are commonly mixed up with it, and which are taken from the peculiar circumstances of Ireland. These arguments are, 1st, That the disturbances to which that unhappy country is continually subject, arise out of the state of society produced by the "penal laws;" that in consequence of such disturbances, and of the apprehensions occasioned by the continuance of the laws which cause them, the influx of British capital is prevented or retarded; and 3dly, that justice, issuing from a polluted source, is not honestly administered.

With respect to the first of these assumptions, the reader may judge of its correctness, by the evidence already submitted to him. It will be found in the first section of this work, clearly exhibited, that the causes which produced the disturbances by which Ireland has been long harassed, were quite distinct from considerations of religious disability; that the disorders were the result of extreme poverty, and that they were the outrages of an unemployed population, combating not for power, but for food. However, it is quite certain that these excesses were aggravated, and perhaps protracted, by the admission of a principle of religious hatred and intolerance. This is the statement which Mr. O'Connell has made, and it agrees with evidence derived from the personal observation and experience of others, who declare that local disorder invariably assumed, after some short time, a character of religious animosity, and that all petty combinations against the agent or the tythe-proctor soon became absorbed into a more general confederacy against the government and the Protestant church. That such is the characteristic of the disturbances in Ireland, has been on all sides admitted, and it is only in the explanations which have been offered to account for it, that contrary opinions are asserted; some affirming that the "Civil Disabilities" prepare the peasantry for rebellion, and others contending, that such preparation is made by the operation of the church of Rome, direct and indirect, on the minds of its uneducated members, and that the effect of the "Disabilities" is only to make that preparation display itself in abortive efforts, and to withhold from it powers, which might enable it to manifest its efficiency by bolder attempts, and on a grander scale, than any which have in latter times been witnessed. Mr. O'Connell's argument, to prove that treasonable associations, confined to the poorer classes, have

their origin in the laws which peculiarly affect the Roman Catholics, is as follows :

D. O'CONNELL, ESQ.

Lords,
March 11, 1825.

IF there are no persons of the better class connected with the Ribbon Association, in what manner would the removal of disabilities, which affect directly only the better classes, contribute to the repression of these outrages?—It affects the lower classes of the towns and cities, and affects the working tradesman, by shutting them out of offices in the guilds and corporations; and that among the industrious class, who have more intelligence in general, and are greater politicians than the country people. And thus it brings within the direct scope of the penal laws the working tradesmen, manufacturers, and artizans of the cities and towns.

Are they positively excluded, by the penal laws, from becoming members of the guilds?—Not from their being freemen, but they are from all offices, as master and warden of any of the guilds, or from being master, warden, sheriff, sub-sheriff, aldermen and common councilmen, and all offices in the guilds as well as in general corporations; that is limited, to be sure, to the corporations governed by the new laws and regulations, which however include all the large towns and cities in Ireland.

How does that affect the lower classes living in the country?—The lower classes living in the country are not affected directly by the penal laws, but indirectly to a very great extent. The resident Catholic gentry being shut out from Parliament and the higher offices, lose that patronage which they would naturally have, connected with the government, enabling them to place in the lower situations the deserving peasantry of their neighbourhood. The accumulation of church rates latterly, especially, is attributed, in a very considerable degree, by the peasantry, to the existing penal laws. Since the Union there have been two or three statutes passed, that enabled the clergy of the established church,

without any reference to the wish of the parishioners, to build churches where there are no Protestant inhabitants; and the constant superiority, and the insolence which I spoke of as belonging to the lower classes of persons that are thus rendered superior, all affect the minds of the peasantry; and then any thing political, that gets connected with religion, is apt to go even beyond the truth and necessity of the case. That these, mingled together, to my knowledge have produced that indisposition upon the minds of the lower classes of the peasantry, which I have described, or attempted to describe, in my former answer.

This is Mr. O'Connell's explanation of the manner in which the penal laws are productive of treasonable conspiracies, and of outrages perpetrated by the poorer classes in Ireland. It is very remarkable, that he does not enumerate among the causes which produce these melancholy results, defects in the administration of justice. In other parts of his evidence, he makes allusion to such defects; but here, when in reply to an especial question, he is endeavouring to trace the connexion between the penal laws and the ribbon conspiracy, he does not name as a link (what would be a most important link, if it existed,) that the administration of justice was corrupt. Mr. O'Connell is a man too well practised in public business, and too full of the subject upon which he was examined, to omit the mention of this link, if it appeared to him to have a real and efficient existence. But this is a subject which shall be considered in its proper place; here it is required only, that Mr. O'Connell's arguments be fairly stated to the reader. The penal enactments by which Roman Catholics of the higher classes are affected, and which have no direct influence on the condition of the poorer ~~class~~ not residing in towns, cause the peasantry to enter into treasonable conspiracies, for the following reasons:

1st, Roman Catholic gentry cannot procure for them from the government, profitable employments.

2dly, Assessments for the building, &c. of churches, are heavier in consequence of laws which would not, perhaps have been passed, if there were Roman Catholic members in Parliament.

3dly, The poorer Protestants conduct themselves with an air of insolence and superiority.

These are the reasons by which Mr. O'Connell declares himself convinced that the ribbon system "has its origin and continuance in the law, which creates the religious distinctions."

As to the first reason, it may be considered in two lights; as the interests of the Roman Catholic peasantry are affected, by their being destitute of friends who can procure employments for them, and as their imaginations may be affected from an apprehension that they have no such friends. So far as the evil suffered by the peasantry is real, it is difficult to imagine how the penal laws can occasion it. If the Roman Catholics in any county, have and exercise the power of returning members to represent them, it is not easy to believe that a member dependent on such an interest, would refuse to procure a place for any peasant, on the ground that he was a Roman Catholic. Indeed the contrary might be expected to be the truth, inasmuch as a member so circumstanced, would be anxious to prove his sincerity, and for this purpose, would go (as a most respectable Roman Catholic witness, delivered as his opinion) "lengths which others would not think of going," and would go these lengths, not only in effecting measures in Parliament, but also in gratifying the private expectations of his constituents. Where the Roman Catholic interest is not powerful, it is not a penal law which secures a Protestant representative, and which confines (if it be confined) within particular limits, patronage which ought to be more largely diffused. The truth is, the Irish country gentry are little under the influence of party spirit, in their distribution of places among the peasantry; they are swayed either by a regard to justice, and they do what they think right, or they are influenced by a sense of their own private interest, and they promote the man who will serve them best. In either case, a Roman Catholic peasant as such is not neglected. If the landlord will not assist his tenant, and if the representative will not attend to his constituent's request, it is not a penal law, or a difference in religious belief, by which his conduct can be explained or altered.

This reasoning is supported by the fact, that no such accusations have been made against the gentry, or the government, as might justify Mr. O'Connell's supposition. When the "Catholic Association" was in its highest power, receiving information from all sources, and encouraging all to communicate their wrongs and suspicions, one charge of this nature was urged against the government, and that charge was retracted before the Committee of the House of Commons. The charge was, that the government declined appointing a meritorious man to a place for which he was competent, and instead of the place, bestowed upon him a pecuniary reward, because he was a Roman Catholic; and this charge, the gentleman who made it, re-

Lords,
March 2, 1825.
A. R. Blake,
Esq.

tracted, admitting that in part he might have been misinformed, and that in part he was guilty of a "rhetorical artifice." The answer which the charge elicited, cannot, without great injustice to the subject, be omitted here.

RIGHT. HON. ROBERT PEEL.

I should also be glad to give to the Committee some explanation as to a circumstance which was mentioned by Mr. Shiel, in the evidence given by him before this Committee. I allude to the case of a man of the name of Kierevan, who was instrumental in saving the lives of some persons who were shipwrecked in Tramore Bay, in the year 1816. I am anxious to remove the impression, if such exists, that if Kierevan was not appointed to a situation in the Revenue, and if he received a pecuniary reward instead, the motive for giving him such reward instead of employing him in the revenue service, did not arise out of the consideration that he was a Roman Catholic. I therefore beg to put in a paper which has been sent to me by Mr. Wallace, the collector of customs in the port of Waterford, with whom I have no acquaintance, but whom I believe to be a most respectable gentleman. This paper contains a list of all the appointments that fell vacant in the port of Waterford, from the month of September 1811, which was a short time previous to my appointment to office in Ireland, up to the month of November 1816, the year in which the shipwreck took place. This list contains also the names of all persons appointed to such situations, and it distinguishes those that were Protestants from those that were Roman Catholics. The result is, that there were 39 vacancies in that period in the port of Waterford, and that of the persons appointed 19 were Protestants and 20 were Roman Catholics; that there were nine instances in which officers were removed from other districts to Waterford within the above period, and that four of those officers were Protestants, and five were Roman Catholics. I think, therefore, the Committee will consider that this paper,

Comm.
May 5, 1825.
Report, p. 546.

which shows that in a period of five years preceding the transaction in question, more revenue appointments, in the port of Waterford, were given to Roman Catholics than to Protestants, contains a sufficient proof, that in not appointing Kierevan to a situation in the revenue, I could not have been influenced by any objection to him as a Roman Catholic.

[Paper delivered in.]

Since Mr. Shiel was examined, I was reminded of a fact which I had forgotten, that, upon the subject of this shipwreck, and of this very individual Kierevan, I had at the time some conversation with Mr. Edward Courtenay, of Waterford, a quaker, held in deserved estimation by men of all parties. I wrote to Mr. Courtenay to enquire whether he had any recollection of this conversation. I hold in my hand a letter which I have received from Mr. Courtenay, which gives the following account of my interview with him upon the subject of Kierevan's claim to the notice of the government.

" I last night received thy valued favor of the 28th ultimo, requesting that I should detail what I might recollect of a conversation that I had with thee on the subject of the wreck of the transport in Tramore Bay in 1816, particularly with reference to Kierevan's conduct, which I shall do as my memory at present serves me. I had business in Dublin soon after my return from London, and met Counsellor M'Dougal at the town courts with Kierevan, the day after I got to town, when Counsellor M'Dougal asked me for a letter of introduction to thee, as he wanted to call on thee with Kierevan, to try and get some reward for him, for his exertions on that melancholy occasion. On going from thence to Ushers Island I met thee, when thou congratulated me on the success of our Harbour Bill, and asked me how we were getting on in Waterford. We walked a considerable way together in conversation, when I stated that I had given

" the letter to Counsellor M'Dougal, that he would call on thee with the man, and related what I had heard of his conduct, strongly recommending him to thy attention. Thou said the matter should be immediately looked into, and asked me what sort of a man Kierevan was, which I took to be with a view of placing him in some situation. I replied that he was an active, intelligent, steady fellow, but that he seemed to prefer a pecuniary consideration to employment, being about to settle himself at home. I also told thee that he was a Roman Catholic, that the population about Tramore consisted of that persuasion, and that I had a particular wish that this man should be noticed; to which thou answered, smiling, *Mr. Courtenay, you cannot imagine that the religious principles of the man can operate in the affair, or words to that effect.*"

From the respect which I entertain for Mr. Courtenay, I have little doubt that I was influenced very much by his opinion in directing a pecuniary reward to be paid to Kierevan, rather than to his being placed in some small revenue situation.

With respect to questions said to have been put at Dublin Castle, by some person in employment there, as to the religious creed of Kierevan, of course I can only say, that I never authorized any individual whatever to put such questions; that I cannot find any one now there who did put the question; that I think it hardly likely Sir Edward Littlehales, who is now no more, could have put it, because he was in the military department, and had no connexion with the appointment to civil office. As to the individual who was in immediate attendance upon me when I was in Dublin Castle, and who brought to me the names of those who called there for the purpose of seeing me on business, that individual was himself a Roman Catholic, and therefore I do not think it very likely that he would voluntarily have put the question,

which is said to have been put by some one in attendance at Dublin Castle. With respect to the inadequacy of the pecuniary reward paid to the persons who exerted themselves on the occasion of the shipwreck, I have only to observe that all claims were referred to the general officer of the district; that, in every case, he recommended to the government the sum of money which, after full inquiry, it appeared to him that each individual should receive as a reward, and that his recommendation was in every case attended to; and although the sum of 30*l.* paid to Kierevan may appear small, when his services are considered, yet it ought to be recollected, that there were many other persons who exerted themselves on the same occasion, and that the total sum paid by the government in defraying local expenses incurred in consequence of the shipwreck, and in rewarding persons named as deserving of remuneration, amounted, in the whole, to 340*l.*, Kierevan receiving a much larger portion of it than any other person in his class of life.

Lords,
May 27, 1824.
Report, p. 185.
Major Powell.

To the same effect as the above testimony, was that borne by the police magistrates with respect to their department. "The question of religion is never put to a man on his entering (*the constabulary or police*) but strict directions to do his duty without favour or affection." It appears, then, on the face of the evidence taken before the Parliamentary committees, that those places to which the peasantry might aspire, have been as freely conferred upon Roman Catholics as upon Protestants, so far as the government and the officers under the government were concerned in making appointments, and, (unless the statement were proposed in a definite form, and proofs of its correctness established) it appears hardly reasonable to pay much attention to a report that the representatives of counties, or the proprietors of land, will consult for their party feelings, rather than for the public good or their own personal interests, in the distribution of any patronage they may possess.

But, it may be said, that although appointments are made on fair and reasonable principles, still the peasantry labour under an impression that their religion is taken into account against them, and thus the "Civil Disabilities" are productive of evil, inasmuch as they occasion that distrust of his superiors which the Roman Catholic peasant is said to feel. That this distrust did formerly

exist, no doubt can be entertained; but it was the distrust of poverty rather than of religion. Mr. O'Connell has himself stated in evidence, that the Roman Catholic poor have been treated more hardly by persons of their own persuasion than by any others; and the Editor can state (what has been intimated in evidence) that it was possible to hear, among the Protestant poor, complaints as heart-rending and as just, of the cruelty and carelessness of their superiors, as any that could be uttered by their Roman Catholic fellow-sufferers. But these complaints, it is pleasant to be able to say, are every day less and less called for; and it is to be hoped, that as the gentry manifest about their tenantry the interest which is now becoming very generally felt, they will acquire the confidence of which their attentions shall be deserving. The conduct of the magistrates, too, in appointing constables and police, must very much tend to dissipate any such impression as that of which Mr. O'Connell has spoken. If the peasantry entertained a notion that their religion operated against them, it must have spread a very cheering intelligence through the country, that the magistrates practically undeceived them. In such circumstances, the appointment of every Roman Catholic to the office of constable, or to any of those offices of which Mr. Peel made mention, must have spread abroad through a large multitude of people tidings full of hope and encouragement, and must have taught them, that, so far as they were individually concerned, the "penal laws," of which they have entertained so frightful a notion, were perfectly harmless; that all the benefits which they could reasonably hope to attain were left free to them, and that those stations from which they were excluded, were such as it would appear little less than madness in them to aspire after. But if, notwithstanding the frequent appointments of orderly and well-conducted Roman Catholics to desirable stations, a distrust remains of those persons who have appointed them, it will require some proof, which has not been given, to satisfy an inquirer, that the existence of "Civil Disabilities" is the cause of that distrust, and that it is not rather to be attributed to some secret influence, which might operate though disabling statutes had never been enacted, and which might continue to operate notwithstanding their repeal.

As to the opinion, that laws favourable to the church have been enacted, which would not have been suffered to pass had Roman Catholics been members of Parliament, the writer for the present omits the consideration of it, reserving it for a more fitting place. But it is said, that Protestants of the poorer classes are insolent in their demeanour towards Roman Catholics in the same rank of life with themselves. It is probable that this may have been the case in former times; but the extension of the elective franchise has levelled ranks, or has corrected

Commons'
Committee,
p. 49.

Comm.
Committee.
March 3, 1825.
Report, p. 106.
R. Shiel, Esq.

false notions of rank ; and, certainly, in the south of Ireland, that " poor Protestant " must have a very rash or a very daring spirit, who would permit his fancied superiority to manifest itself in his outward deportment. Mr. O'Connell does not explain what he means by attributing insolence of manner to the poorer Protestants ; but Mr. Shiel has stated an instance which may serve to illustrate Mr. O'Connell's meaning as well as his own. " The lower order of Protestants assert their superiority to the poorer Catholics in every incident where they are brought into comparison. Allow me to give an example. Saunders's newspaper in the city of Dublin contains most of the advertisements of servants ; every servant who is a Protestant makes mention of his religion in his advertisement for a place, he thereby intimates that he belongs to a better class in society, that he is probably a more decent and respectable man ; assuredly this superiority assumed by the lower classes in society, must be extremely galling to the Roman Catholics." Such is the instance by which the insolence of the poorer Protestants in Ireland is characterised. The reader has perhaps already attributed this instance to something far unlike insolence or vulgar superiority ; he remembers the circumstances of that country ; he remembers the evidence of his Grace the Archbishop of Dublin, that, latterly, Protestant servants have been sought for, and he concludes, that it is to present an object for this search, and not to assert a general superiority, that the Protestant servant mentions the church to which he belongs. The truth is, the Irish gentry, during the time in which the disturbances prevailed were taught to distrust their Roman Catholic servants ; and whether their distrust was well or ill-founded, it was strongly felt. If we may credit the report of Mr. O'Driscoll, it was natural and wise. " The confederacy of servants becomes almost universal in all commotions of the lower Irish, and many families have perished by the hands of their own domestics." " Those servants belong to the great confederacy of the people. They are leagued against the family that feeds and clothes and cherishes them. They are sworn to deliver up to death their benefactors, or themselves to execute the sentence, if required. The family suspect this to be the case—they can hardly doubt it, and they sit like victims surrounded by their executioners." *

Now it was a remarkable feature in the late disturbances in Ireland, universally-known and acknowledged, that Protestants were altogether unconnected with the conspiracy ; and surely a man might declare himself to be a Protestant, when offering himself as a servant in such times, and have his declaration

* Review of Evidence, 31-28.

attributed to something very remote from the assumption of insolent superiority. The simple truth was, that many of the gentry gave credit to statements like those which Mr. O'Driscoll has put forward, and were desirous of having Protestant servants in their houses; and, in such circumstances, it was natural that those whom they wished to engage, should offer themselves in the manner most likely to attract attention. Various other reasons might be assigned for such advertisements as those to which Mr. Shiel alludes,—for instance, in the houses of the Protestant gentry, it is a good practice, becoming daily more generally adopted, to summon the servants to attend at family prayer, and, as the Roman Catholic priests commonly forbid their people to obey such a summons, the master of a house is, of course, better satisfied to find that his servant is a person over whom the priest's power cannot be exercised; but, indeed, such a variety of reasons, unconnected with the feelings of insolence or superiority, could be assigned for a servant's mention of his religion, that it was almost unnecessary to suggest any. The Editor has, however, mentioned those only to which the circumstances of Ireland attach most importance; and even these, he trusts, will be considered fully sufficient to show, that the accusation (*which is specified*) against the poorer Protestants, is not well founded.

But still, however the circumstance may be explained, the fact is said to be, that the disturbances into which the Irish peasantry so often rush, are always connected with some political design or organization; and although it does not appear that his position has been established by the reasons alleged in evidence, still Mr. O'Connell persists in affirming, that the penal laws occasion that political spirit, which aggravates and prolongs the tendencies to disorder. Admitting, therefore, his position to be correct, and finding his explanation not satisfactory, it becomes necessary to seek some better explanation. It has become the fashion, of late days, to urge as an argument in favour of concession to the Roman Catholics, the formerly disputed charge against the loyalty and peaceable demeanour of the peasantry of Ireland. Formerly, the legislature were petitioned to grant the prayer of persons who, by their obedience to the law, had entitled themselves to attention; and, if any reference were made to the disorderly habits of certain persons professing their creed, it was replied, that these habits were unconnected with matters political or religious, and that it would be very unjust to impute to a body of loyal and respectable men, crimes and misconduct which were altogether the lamented consequences of poverty and ignorance. Now, these same excesses and crimes are openly proclaimed as having, if not their origin, their aliment in political feeling; and the argument is no longer, that the disorders incident to poverty should not be imputed to the

religion of the church of Rome ; it is, that these disorders indicate the angry feelings of the people, and that, what government refused to the plea of merit, they should yield to a sense of danger, and what they refused to the loyalty and patience of the gentry, they should concede for the purpose of appeasing the angry feelings of a disloyal populace. There is, however, one remarkable circumstance accompanying this strange argument ; it is this, that while the Roman Catholic leaders threaten the legislature with the disloyal fury of the peasantry, they challenge all praise for the noble and unstained fidelity which the soldiery, belonging to their church, have uniformly displayed. By such appeals, they but echo the sentiments of the nation ; there are few persons whose emotions are so manageable, as that they can remember to inquire into the creed or the politics of men like those who, in late times, fought the battles of England. But how is the difference to be accounted for, between the peasant and the soldier ? The soldier's loyalty is not a consequence of " Mr. Croker's act." He was as loyal and as brave, before the higher posts in the army were thrown open for general competition. How comes it, then, that the Roman Catholic soldier shall be of unimpeachable and unassailable loyalty, and that the Roman Catholic peasant shall be continually on the watch for opportunities to wreak his vengeance on a government to which he is disaffected ? " Could you," * J. K. L. writes, " by any power create a happy valley, like that to which Rasselas was introduced, in every parish in Ireland, and place all the inhabitants within it, yet if you left the penal laws on the statute book, though not in operation, you would not remove the discontent and heart-burnings from Ireland. There are thousands of people in this country, who scarcely know the nature of any law, whether favourable or penal ; but you will not find an old woman, or a ragged child, who has not imbibed from the breast, or is not taking into the grave, the hatred and horror of the system by which you govern the Irish Catholics. They know not what the system is, but they think it is a something horribly, ineffably, unjust and wicked."—" Is it not an infatuation to seek to govern a people so affected, without removing the cause of so much alienation and hatred,—a cause which any man can breathe and blow into a flame, as easily as he could cause a train of gunpowder to explode." Such is the temper of the Irish peasantry, as described by J. K. L. and attributed to the penal laws ; not to their operation, but to their mere existence, a temper which the influence of the " happy valley " would vainly attempt to soothe or to subdue ; and yet, let a peasant of this temper, or the population of an entire

* Letters on the State of Ireland, &c. by J. K. L. p. 386.

hamlet, enter, not into that happy valley, but into what is much more rugged and uninviting,—a barrack and a regiment, with all their annoyances of drills, and cleanliness, and parade,—and the spirit of ancient disloyalty shall be exorcised ; and this, not alone supposing the penal laws to have become inoperative, but even though they continued in efficient operation, and even though the ambition of the soldier had but a very limited field for its aspirations. How is this great change to be explained ? The soldier was loyal, when the laws which excluded Roman Catholics from high station, were severely felt in the army ;* if the peasant was discontented, because patronage was not abundant in Roman Catholic hands, the soldier could urge a similar complaint, and with much more of justice ; the peasant, it is true, was compelled to pay taxes for the support of a church which, it is said, he hated ; but the soldier exposed his life, and shed his blood, in its defence ; and, if reference be made to Mr. O'Connell's third proof that the penal laws are injurious to the peasantry,—the insolent superiority which poorer Protestants assume, if this had any existence, it must have been found in its worst form, when giving acrimony to the tone of military reproof or command. The Editor is not to be understood as allowing the justice of this charge, because he contents himself with showing its irrelevance ; his object has been, to show that the reasons offered by Mr. O'Connell in support of his assertion, that the peasant is disaffected in consequence of the penal laws, are found equally applicable to the case of the soldier, who, notwithstanding the existence of the laws, and the applicability of the reasoning, has been uniformly as loyal as he was valiant.

Mr. O'Connell's reasoning cannot explain this seeming inconsistency. The links by which he would connect together

* The tendency of the frequent appeals to the passions of the soldiery was forcibly reprobated in a very eloquent passage, from which the Editor gives a brief extract:—

“ Not more fruitless than wicked is it in the agitators, to endeavour to disseminate the germs of discontent amongst our brave and high-minded soldiery. Their most splendid services have been performed at times when the din of treason was ringing in their ears, and sedition was standing erect, with expectation of some disastrous event which might reduce their country's grandeur. Vain then, is it to expect that they will now desert that cause in its triumph, which they could never be seduced to abandon in its day of peril and distress ; or, that when the honour of their country has become associated with the glories of their profession, they will turn their backs upon the one, and draw their swords upon the other ; that they will renounce those principles in the tide of their prosperity, which they so gloriously manifested under circumstances of difficulty and discouragement, to the consternation of their enemies, and the astonishment of the world. (*“ Pamphleteer.” Effects of Irish Oratory on Catholic Emancipation, by author of “ Agency of Divine Providence,” &c. page 155.*)

the penal enactments and the peasant's disaffection, are found in the soldier's case, to connect these laws with loyalty not less steadfast than it is generous. It may, therefore, most justly be concluded, that Mr. O'Connell has not stated the true causes which operate on the peasant's mind, and that some other cause ought to be, if possible, discovered.

Perhaps the writings of J. K. L. may solve the difficulty : " How often have I perceived, in a congregation of some thousand persons, how the very mention, from my own tongue, of the penal code, caused every eye to glisten, and every ear to stand erect ; the trumpet of the last judgment, if sounded, would not produce a more perfect stillness in any assemblage of Irish peasantry, than a strong allusion to the wrongs we suffer."* Perhaps this passage may instruct the reader in some far more efficient cause than any which Mr. O'Connell has mentioned of the Irish peasant's discontent and alienation from the government, and may teach him to understand how the same man, who, while living as a peasant in the country, was disaffected to the established order of things, shall seem, if he become a soldier, to put off with his coat of grey, the evil propensities of his rustic nature, and to assume with his military accoutrements, the spirit with which they should be worn. In the former case, his instructors were persons who recommended politics to him in the venerable name of religion, and thus gave the subject they recommended a most awful interest, by surrounding it with what was most agitating and most subduing, in the considerations of time and eternity ; and in the case of the soldier, he became withdrawn from the sphere of such powerful influence ; or else the priest, who saw a military party among his hearers, put a bridle on his lips, and set a watch on his tongue, lest he offend, knowing that what the peasantry could hear to edification, some soldier, who respected his honour and his conscience more even than his priest, might denounce where it ought not to be known. This appears to be a rational account of the change which takes place in the mind of a Roman Catholic peasant, when he has been metamorphosed into a soldier ; he has qualified his submission to the priest, by respect for his commanding officer, and, in consequence, he soon loses the dangerous inclinations or propensities which the former unquestioning submission had kept alive, and is rapidly assimilated to that military system of which he has now become a part. The reader will judge whether Mr. O'Connell's theory, or that which is derived from the writings of J. K. L. furnish the more convincing reasons for the soldier's loyalty and the peasant's disaffection.

* Letters on the State of Ireland, by J. K. L. p. 287.

With respect to the effect of the disturbances in Ireland, as exemplified in the exclusion, from that country, of British capital, the reader has had laid before him a body of evidence, not more remarkable for the ability with which it has been delivered, than for the important information which it contains. The real obstacles which retard the influx of capital into Ireland have been faithfully and ably described, and the manner in which, notwithstanding these obstacles, British wealth has made a channel for itself, and the principles according to which it must be introduced, in order to afford a reasonable hope that its influence shall prove beneficial, have been detailed with an accuracy and a decision, which prove that a practical acquaintance with the subject had been united to the power and exercise of philosophical investigation. The Editor feels, that upon this part of the subject, additional information, if it were attainable, is unnecessary; and it will be found, that in the few remarks which he ventures to subjoin, he is only presenting in one view, the principles which were so ably exhibited in evidence.

It is scarcely necessary to premise, that of late years it has been a constant practice to represent British capital as the great panacea for all the evils of Ireland, and to insist that any measure was desirable which would facilitate its influx into that country. The advocates of "Roman Catholic Emancipation" insisted that the removal of the penal code was the measure best calculated to effect this desirable object; and in consequence it was supposed, that their opinions increased in popularity with both the landed and the trading interests. It was, however, a delicate topic to urge, inasmuch as while, on the one hand it asserted the expediency of making concessions to the Roman Catholics, it was calculated on the other to excite against that body very injurious suspicions. The argument was, that the best mode of relieving a wretched peasantry, and extricating a distressed gentry from their embarrassments, was, to attract British capital into Ireland, but that so long as the penal laws continued on the statute book, the poorer classes of the Irish people would manifest their dissatisfaction in disturbances, and that it would therefore be vain to expect that the wealth of England would be sent into a lawless and discontented country. The force of this argument rests upon the correctness of the following assumption; namely, that the peasantry of Ireland who could derive no direct benefit from the repeal of the disabling statutes, but who must be materially served by the introduction of British capital, whose "wages of labour" would be raised, perhaps, from four-pence a day * (supposing all the peasantry constantly employed) to not less than a shilling, are yet so irritated by the exclusion of their gentry from place and power, that they will

* See the Evidence of J. S. Rochfort, Esq. in the first Section.

stain their souls with frightful crimes, and reject all measures for their relief, and expose themselves to the heaviest judgments of the law, to promote a cause in which they have personally no concern, and with which it is natural that they should be disgusted by the contented loyalty of the gentry. Yet for the relevance of the argument in favour of "Emancipation," it is necessary to believe that the peasantry of Ireland will continue in a state of insurrection, for a cause in which they have no directly personal concern, although, as it has been stated in evidence, they are dissuaded by the priesthood, and discountenanced by the gentry. If this be the truth, the Irish peasantry constitute a species to which the ordinary rules of reasoning are by no means applicable. Supposing that the priests in their various chapels, and while examining and exhorting at the confessional, were to impress upon their people the importance of obedience to the laws ;—if they instructed them how greatly they could serve themselves by desisting from evil courses, and how much the gentry were offended and distressed by their unhappy proceedings ;—if they taught them, that so soon as the country became tranquil the wealth of England would visit it, and the condition of the poor be materially improved, and if, after a continuance of such instructions, the peasantry were not withdrawn from insurrection, but, in anger that their gentry could not sit in the high court of parliament, rejected prosperity from themselves, despised the counsels of their priests, and exposed their lives in hopeless and wicked disturbances,—are they to be judged of by the ordinary standard of human nature, or to be governed on the principles of ordinary legislation. If the peasantry of Ireland regarded their gentry with the enthusiastic affection which was of old characteristic of the Highland clans, their manifesting a frenzied attachment might be natural ; but to those who are acquainted even slightly with the Irish peasants, the evidence taken before the Parliamentary committees was not necessary to impart the knowledge, that perhaps there is not upon the face of the earth a country, in which the gentry are less loved and respected by the poorer classes of their own religious persuasion, than are the Roman Catholic gentry of Ireland. And yet it is to be understood, that for the exclusive benefit of such a gentry, and in a cause which they will not support or countenance, the Irish peasant will reject prosperity, and die an ignominious death. It is for the reader to decide, whether he will apply to the explanation of this strange phenomenon in character, the inferences which may fairly be drawn from the declaration made by J. K. L. to the Lord Lieutenant of Ireland, that he and his coadjutors would never cease to keep alive in the people a sense of the wrongs endured by a portion of the Roman Catholics, and it will be then to be determined, whether the priests or the penal laws are

the most efficient promoters of disturbance. Whatever the cause of disorder may be, it should, as far as is consistent with the general interests of the community, be rendered incapable of doing mischief. If the civil disabilities make the peasantry insurgents, while they leave the gentry loyal, the principle upon which they have been adjusted is wrong and ought to be changed; but if either the priests or the gentry have stimulated into treason a hapless and uneducated people; if, while they have sheltered themselves within the letter and forms of the law, they have by their evil suggestions excited insurrection in the land, and brought destruction on those who confided in them, is the government then to be told, that, in order to purchase the uncertain neutrality of such men, it must alter the nature of its constitution? Shall such men prove their fitness to govern by a line of conduct which proves them unfit to be for one instant trusted; and shall they make their way into the legislature of Great Britain, by perfidy towards the state, and by a flagitious and abominable traffic in the lives and souls of their miserable clients? The Editor feels happy in being able to say, that no such odious charge can, with a shadow of justice, be urged against the Roman Catholic gentry of Ireland. If it be for an instant entertained, in reflecting on the conduct of the clergy, it is only because persons eminent in their body have spoken and written in a manner likely to excite unfavourable suspicions; because in their writings and speeches, they declare that they will keep their people in a state of excitement, and in evidence pronounce, that, except on particular conditions; Ireland shall not have peace. Thus, the menace of J. K. L. has been already laid before the reader, that the wrongs of the Roman Catholics shall be kept ever present in the people's minds, and it has also been shown from his own words, what are the notions of their wrongs which he entertains. It is in strict accordance with such a declaration, that, in the evidence of Dr. Doyle, the duration of Ireland's distresses is predicted, until the penal laws shall have been repealed.

RIGHT REV. J. DOYLE, D. D.

You conceive the principal source of the amelioration in the condition of the poor in Ireland must be derived from increased habits of industry?—I think so.

Lords,
April 21, 1835.
Report, p. 512.

Are you to be understood, that you conceive that the desirable result cannot be expected to take place, unless what is generally called the Catholic question is settled?—I think, before God, it is utterly impossible.

Utterly impossible perhaps, if J. K. L.'s menace be put into execution; but if the penal laws could, of themselves, operate

so strongly upon the peasant's mind as to make him a disturber, it is difficult to find any reason for the threatened activity and perseverance of his spiritual guides, in keeping up in his mind a sense of wrong which was, even before their exertions, too painful for endurance. But more than enough has been said on this subject, and it must now rest with the reader. The case proposed to him is this:—Dr. Doyle affirms that there cannot be improvement in Ireland until the penal laws are removed; the same Dr. Doyle, writing as J. K. L., proclaims the intention of those who have influence, not to suffer the Irish people to lose a sense of their wrongs, and not “to permit their keepers to enjoy repose;” * and comparing the two important statements together, the reader is to judge, whether, in the evidence delivered before the Committee of the House of Lords, Dr. Doyle relied on the efficacy of the penal laws for the truth of his prediction, or on his own unceasing exertions.

There is another class of advocates for the Roman Catholic claims, who argue on the subject which introduces the preceding discussion with superior wisdom and moderation. They say, that capital is not excluded by the disturbed state of Ireland, but that it is withheld by the natural though not necessary caution of the British merchants; and they say, that if the source of their apprehensions—the “penal laws”—be removed, they will feel confidence in a tranquillity, on the permanence of which they will think it reasonable to depend, and they will employ large portions of their wealth in a country where it will be very beneficial, and where it can procure for its possessors considerable returns. It might be demanded of advocates such as these, whether they think it desirable that capital should flow rapidly in upon Ireland,—whether the habits of the people are such as that they could benefit by this golden inundation. If a peasantry are habitually obedient to the law, and if they have a respect for the rights of property, perhaps capital might be sent among them to any extent, and yet produce no bad effects; but wherever the influence of the law is but little felt, and the rights of property lightly regarded, it may be a question whether it is desirable that wealth should be suddenly and largely imported. It is doubtful whether, in such circumstances, the minds of a people unaccustomed to respect law and property, might not be too strongly excited, and whether, in the ferment likely to arise, excesses might not take place, which would create new and perhaps insurmountable obstacles to the further influx of wealth. If the Irish peasantry were excited by accounts of joint stock companies pouring their wealth from all sides on a long neglected country, and if expectations were raised

which could not afterwards be realized, and if in consequence of such disappointment, some acts of outrage were perpetrated against the new manufacturing institutions, the probability is, that the apprehensions of British merchants would revive, and perhaps would estrange them more than ever from having any species of connection with a wretched and unimprovable people. It should therefore, perhaps, be a subject of congratulation, that capital is unostentatiously gliding into Ireland; that it is not so much seen in its approach as it is felt in its effects; that while it furnishes the peasant with adequate employment, it supplies little food for his speculations; that it makes him acquainted with comfort, and trains him to industrious habits, but does not hold out any of those tempting visions which must exercise great power over a highly imaginative people. The Editor is not to be understood as expressing an opinion, that capital might not, with great advantage to the people of Ireland, be introduced among them in greater abundance, and with more rapidity than it is at present imported; but his decided impression is, that in the introduction of such capital all ostentation should be carefully avoided. The peasantry of Ireland are now under the influence of circumstances more likely to improve them, than any to which they were in former times subject. The attention of the gentry is directed towards them, and the laws are so administered, as to ensure to a great extent, obedience and respect: the effect of such discipline may be naturally expected to be, that at no distant time Ireland can bear a great change, with moderation; but any man who has observed the manner in which grand schemes for the improvement of that country have been dissipated, and have left only disappointment behind, may be pardoned for expressing a doubt, as to the propriety of any change so great as to disturb the operation of the present system, in correcting those domestic abuses, from which, perhaps, more than from any political cause, the evils of Ireland have proceeded.

CHAP. II.

Penal Laws;—whether they affect the Administration of Justice.

R. SHIELL, ESQ.

Comm.
March 3, 1825.
p. 85.

DO you know any thing with respect to the administration of justice on the circuits; and if so, have the goodness to give a statement of any thing, in consequence of which inconvenience has been sustained?

If I am asked with respect to what I have observed on my own circuit, independently of what I know has taken place in other parts of Ireland, especially in Dublin, I answer, that I have observed upon my own circuit, what I conceive to be at least imperfections in the administration of justice, arising from two sources; the first I conceive to be religious, and the second aristocratic. I have observed, that there is not that just regard for the rights and interests of the lower orders, which I believe is entertained in this country. In the county of Wexford, for instance, it is an habitual observation among the bar, that in cases between landlord and tenant, there is, I will not say an undue partiality, but there is a strong partiality existing in the minds of juries in favour of the landlord.

p. 86.

I cannot say that I can illustrate the justice of those observations, by any cases which have fallen within my own knowledge; but I know that the partiality for the landlord among the jury, is matter of familiar observation at the bar. I shall mention the instances which have occurred on my circuit, that appear to me to show that there is something vicious in the administration of justice, arising in a great degree from the nature of

the law itself: I begin with the case of Lawrence against Dempster, in which I happened to be counsel. The Insurrection Act was proclaimed in the town of Nenagh, in the county of Tipperary; Mr. Dempster is a magistrate for that country; he had a quarrel about an hour after sunset (and it was a question whether the hour had elapsed, and that was left to the jury) with a Mr. Lawrence, respecting a question wholly unconnected with politics; very unwarrantable language was used by Mr. Lawrence towards Mr. Dempster. It is right that I should mention, that it was proved that at this time the wife of Mr. Dempster was walking in the streets of Nenagh, accompanied by some of her female friends, and many persons were at the time in the street; in consequence of gross personal language addressed to Mr. Dempster as an individual, but quite unconnected with his magisterial capacity, Mr. Dempster ordered Mr. Lawrence to be arrested under the Insurrection Act, inasmuch as he was out of his abode an hour after sunset; the latter was, under this order, committed and detained in custody for, I believe, three days; a verdict for 75*l.* only was recovered, in an action brought by Mr. Lawrence against Mr. Dempster. I conceive, that unless there had been persons upon the jury, and I was assured of the fact, who were resolved to support the magistrates at all events, and who acted upon the principle that magistrates, even when grossly in error, or when acting corruptly, ought to be sustained, the verdict would have been much more considerable. A point was saved at the trial; the question was, whether the action ought to have been trespass, or case? It was brought before the court of Common Pleas; three of the judges, Mr. Justice Moore, Mr. Justice Torrens, and Mr. Justice Johnson, all concurred in saying that the conduct of Mr. Dempster deserved the strongest reprobation; Lord Norbury was the only judge who

stated, that in his opinion, his conduct did not deserve much censure, and that at all events magistrates ought to be supported. What I am now stating, is within my own personal knowledge. The case was reported in the *Dublin Evening Post*. I think that Mr. Dempster was guilty of a gross perversion of the power intrusted to him, and I think that he ought to have been deprived of the commission of the peace; he was not deprived of the commission of the peace; he remained after the facts I have detailed, still intrusted with this important power; and further, the magistrates of the county of Tipperary came to a resolution, that he was an active and useful magistrate, to prevent his being deprived of the commission of the peace. I think that the office of magistrate is connected with the administration of justice, and that to permit a man, who had abused the Insurrection Act in such a way, to continue in the exercise of magisterial functions, was highly censurable, and affords evidence that due means are not adopted to improve the administration of the law.

Comm.
March 3, 1823.
p. 87.

Do you recollect the language which was used by Mr. Lawrence to Mr. Dempster on that occasion?

I do not recollect the exact words that were used, but I recollect that it was impossible that grosser language could be employed. I can recollect some of the words, which I should almost blush to mention.

Mr. Dempster's family were in the street at the time?—His wife was in the street, but not within hearing.

Was that proved?—At all events, it was not proved that she was within hearing.

Do you know the persons that were on the jury?

I do not know the names of the persons that were on the jury, but I was told by the attorney who employed me in the action, and who was extremely well acquainted with the county, (Mr. Lanagan, a very clever and intel-

ligent gentleman), that some of the jurors acted upon the principle of giving as little damages as possible against any magistrate.

Did he state to you the ground of his opinion?

He did not state that; I did not ask him the question, because I conceived, that from his familiar acquaintance with the habits and feelings of the country, he must have been acquainted with the fact.

Do you know of what religious persuasion Mr. Dempster is?—He is a presbyterian; he is a Scotch presbyterian; he was the surgeon of a regiment quartered in that part of the country, and settled there. I believe him, independent of that fact, to be a respectable man, though I think he displayed too much alacrity in what he considered the discharge of his official duties.

On that occasion, or others?

I speak from public report; I think it my duty to mention, that complaints against Mr. Dempster came from persons very much disposed to find fault with magistrates; I know he was extremely unpopular in Nenagh.

Do you know from what parts of the county the persons composing the jury, were drawn?—I do not.

Was a panel returned, which was intended solely for the trial of this particular case?

No, there was a general panel; as well as I recollect in that particular case, the jury were chosen by ballot, which is the fairest mode; the names were put into a hat, and then drawn out.

What was Mr. Lawrence?

Mr. Lawrence had been in the army.

Was he a Catholic or a Protestant?

He is a Protestant. I am quite satisfied that Mr. Dempster was actuated by no religious feeling towards him, nor would he have been actuated by any such feeling towards him, if he had been a Roman Catholic.

Mr. Dempster is not affected by the passions that prevail throughout Ireland; he is a Scotch gentleman; Mr. Lawrence is Irish; and I recollect this circumstance, that a friend of Lawrence's said, and this is, I think, remarkable, "Upon what principle could you possibly arrest Mr. Lawrence? for Mr. Lawrence is notoriously a loyal man." The person I allude to was a Mr. Rowan Cashell, a relation of Mr. Lawrence; he proved that he said to Mr. Dempster, "Why should you arrest Lawrence, when he and all his family are loyal men?" and he added, that he meant by that, that they were strong Protestants.

Do you think there were loyal men and strong Protestants on the jury?—I am sure there were very strong Protestants, and therefore very loyal men, according to a certain, but very improper and offensive definition of the word.

Comm.
March 3, 1825.
p. 89.

How do you account for it, that those feelings of loyalty and of strong protestantism did not operate with the jury, to induce them to take part with Mr. Lawrence, he being a loyal man and a Protestant?

I think, that the anxiety to support the magistrate superseded every other consideration.

Then, has not the anxiety to support the magistrate in a disturbed district, overpowered that community of feeling which existed between a jury and a suffering Protestant?—I do not think, that the fact of Mr. Lawrence being a strong Protestant, had any effect upon the jury, because no political feeling was the origin of the contest between them; the jury were perfectly impartial, as far as religion was immediately concerned, between the parties, as they were both Protestants. The ground upon which I rest my opinion, that this case illustrates the imperfect administration of justice, is the simple fact, that Mr. Dempster was allowed to continue in the exercise of magisterial functions.

Did you ever hear, that there was a communication between the government of Ireland and the chief justice, as to the propriety of removing Mr. Dempster from the commission of the peace?

I read, in one of the papers, that Mr. Peel made that observation in the House of Commons, but I had never heard it before. I conceived that Mr. Peel might have referred to lord Norbury, the chief justice of the Common Pleas, who expressed an opinion favorable to Mr. Dempster.

Supposing a communication was actually made by the Irish government to lord chief justice Bushe, of the court of King's Bench, with respect to the propriety of removing Mr. Dempster from the commission of the peace, and that the chief justice, having tried the case, gave it as his opinion, that there was not sufficient ground for the lord chancellor of Ireland to exercise his authority, and to remove Mr. Dempster; in that case, would not you think that the lord chancellor was justified in abstaining from the exercise of such a power?

I must, in candour, say, notwithstanding the high respect I entertain, and something stronger than respect, towards the chief justice of the King's Bench, who is a very distinguished person, that I should not conceive that even his authority ought to supersede the effect which the powerful facts ought to have produced upon the mind of the lord chancellor.

You state, that in point of circumstances, Mr. Dempster and Mr. Lawrence were very much on a footing?

Comm.
March 3, 1825.
p. 90.

Yes; when I say that, I think that the spirit of aristocratic dominion is connected with religious domination; I do not apply the observation so much to this particular case, as to the general effect of the system of religious distinction on the whole class of the people.

In this particular case, you neither impute a religious feeling, nor an aristocratic sentiment, to the jury?

I think that the disposition to support magistrates improperly, arises from an aristocratic sentiment; from a desire to keep down and trample upon the lower orders.

Do you not think, the jury might have naturally taken into consideration the very great provocation Mr. Dempster had received, that might have deprived him for a moment of the exercise of his sound intellect?

I not only know that they did, but that they ought, and that the chief justice directed them to do so; but I think that 75 *l.* was not by any means a proper reparation for an imprisonment of three days, and where the insurrection act was converted into an instrument of personal vengeance.

Comm.
March 3. 1825.
p. 95.

What amount of damages should you yourself have thought sufficient, in the case of Mr. Lawrence?

I should have thought, that under the circumstances, 300 *l.* would have been a proper verdict.

p. 90.

Can you state what circumstances of life Mr. Lawrence was in?

Mr. Lawrence is a person of very respectable family, I believe; however, that his circumstances are now, and were then, extremely impoverished, I believe that his respectability, which perhaps will appear singular in Ireland, has sustained some diminution in consequence of his being considered addicted to quarelling, and his having been reputed a duellist.

p. 98.

Did you ever know an instance in which the question of religion actually interfered with the appointment or non-appointment of a police-man?

No; for my occupations are of such a nature as put me out of the way of obtaining knowledge of that kind; but I can mention a fact which exhibits the feeling of the people upon the subject, and these suspicions generate as great an evil as if that principle operated. I recollect a police-man was found guilty, at the last assizes at Clonmel, of murder. I walked through the streets after

the conviction, and attended particularly to the observations of the lower orders respecting this conviction. Many of the people said, "We are sure he will not be executed, because he is a Protestant;" that is a most fatal feeling, and means ought to be taken to remove it.

Do you think that individual ought to have been executed?

He ought not to have been hanged, because, though it was murder in law, it was not in morals; he had drunk too much; he was returning to the place where he was quartered from Clonmel, upon a car; a peasant lad came out on a sudden, in the dusk of the evening, from a house on the road, and made some clamour or noise.* The police-man conceived that this boy was going to shoot him: he resolved to anticipate him, and shot him dead; the boy had no arms in his hands. Under these circumstances it was thought by the judge that the police-man ought to be spared; but the lower orders, without knowing any thing of the facts, said, as a matter of course, "He is a Protestant, and of course will be pardoned."

J. DOHERTY, ESQ.

WHAT circuit do you go?

The Leinster circuit, which passes through the counties of Wicklow, Wexford, Waterford, Tipperary and Kilkenny. Feb. 25, 1825.

Of what class are the grand and petit juries composed, on the circuit you attend?

* The noise was the report of a musket shot. It was said at the time, that the carbine of the unfortunate man's comrade was accidentally discharged, that the report brought persons to the door of their cabin, and the policeman suspecting that the shot was fired from the house, committed the melancholy act for which he was tried. Some time previous to this unhappy circumstance, his comrade had been attacked by a large party, and he had very bravely come to his assistance, and succeeded in recovering his arms which had been wrested from him.

The grand juries, according to my observation, of the gentry of the very first class, in the respective counties.

Is there a mixture of Protestant and Catholic gentlemen in those counties upon the grand jury?

Certainly.

From what circumstance do the petit juries vary in the same counties; do you mean from different parts of the same county, or at different times?

From the selection of the sheriff.

In general, are the juries in your opinion, fairly selected from persons of different religions?

Generally speaking, I think they are. In the course of some seventeen years circuit experience, interrupted only by an absence while I performed the duties of a commissioner of inquiry into the fees of courts of justice, I am not able to charge my memory with a single instance, in which I have seen an unfair selection of jurors, in reference to their religious opinions; nor can I charge my recollection with a single verdict, civil or criminal, influenced by religious considerations.

Have you any means of comparing the administration of justice in England and in Ireland?

The reports of what has taken place in courts of justice in England, render me in some degree acquainted with it; and having received my early education in England, I had an opportunity of attending the courts for some time here, and I have in that way been able to institute a comparison between the two.

From that comparison, should you say that justice was as easily obtained in Ireland as it is in England?

I should say, that justice is quite as easily obtained in Ireland as in England, subject to this exception, that the lower class of persons in Ireland are, generally speaking, much poorer than the lower class of persons in England. The difficulties to a poor man, both in England and Scotland, are great in making his way to a court of justice, and that difficulty, upon that account,

may press more heavily on the lower orders in Ireland than in England; but I think the courts are just as open, and just as free to the poor in Ireland as in England; and I think that when they do come before the courts of justice, they are received just as fairly in the one country as in the other.

D. O'CONNELL, ESQ.

HAVE you observed, in the administration of justice in the superior courts, any disposition towards undue partiality?

Lords,
March 9, 1825.
p. 123.

In particular instances I have; but the apprehension of partiality is more occasioned by the kind of instruments that are used to bring jury questions to trial, than in the superior judges themselves; the city of Dublin is particularly constituted in that respect, especially in later times. There has been a great deal of party spirit; and no persons can now be sheriffs of Dublin, that do not give a very unequivocal pledge, before their election, of taking a particular part in politics hostile to the Roman Catholics. Those gentlemen have the summoning of all juries, and the formation of all grand juries; and whatever may be the result in individual cases, it leaves a general impression upon the minds of the Roman Catholics, that their property, or, in cases of criminal offences, their lives and liberties are not secure. I know that that prevails to a very great extent; so that a Roman Catholic, the most cool and rational amongst them, and dispassionate as to parties, would rather submit to great wrongs than attempt a trial in Dublin; and that, as I said before, originating with the species of persons who are sheriffs, and of the persons who are at the head of the special jury lists, for they place at the head of the special jury list the high corporators. An Act of Parliament that was proposed in the lower House last sessions, would tend certainly,

if carried into effect, to do away a great deal of that evil, in my judgment.

Lords,
March 9, 1825.
p. 125.

Have you any complaint against the administration of the superior courts at the assizes?

Upon the Munster circuit, which I have gone for a great number of years, very little. At present I find it more advantageous not to go the circuit; but I have gone for three or four and twenty years the Munster circuit, scarcely omitting a town. Difference of religion does not at all affect the administration of justice at the assizes in the county of Clare, and very little in the county of Limerick; and I think I should be warranted to say not at all in the county of Limerick; in the county of Kerry not at all; in the city of Cork very little, but it does, I think, to some extent in the county of Cork.

Can you state whether Roman Catholics have not lately, and only lately, been named upon the grand juries for the county of Cork?

I believe that since they were eligible, that is, 1792, or 1793, there have been generally one or two Catholics upon the grand jury of the county of Cork, but the number has not exceeded that, nor indeed ought it to exceed four or five. I do not think that the fair proportion of the Catholic property of the county of Cork, ought to give them probably above four; there ought not certainly to be more than that, and there has been generally one or two.

To what do you attribute the difference you have stated between the county of Cork, and the counties of Limerick, Clare and Kerry?

I am sorry to be obliged to say, that it is because there is somewhat of a higher resident gentry in the county of Cork, but who have kept each other a good deal in countenance in what we call illiberality; there have been some leading gentlemen a good deal marked for it, and that I conceive has had a bad influence on

society in general. I have had occasion to remark in my profession, that a poor man, who happens to be a Roman Catholic, has less chance of justice in the county of Cork than in the other counties upon my circuit; and, indeed, in my profession, I have stated it so to juries.

When you speak of partiality, or something like it, in the county of Cork, do you apply that to civil or to criminal cases, or to both? Lords,
March 9, 1825.
p. 126.

I apply it more to civil than to criminal cases; and in the manner in which the crown prosecutions have been conducted, I do not think I should be justified in applying that to such criminal cases; for the crown prosecutions have certainly been conducted, as in my humble judgment they ought to be; and no person can be a more competent witness of that than I am, for I have defended almost all the prisoners prosecuted by the crown.

Is there any difference in the administration of justice in the counties and cities you have mentioned? p. 125.

Yes; in the city of Limerick there is a strong anti-Catholic party: but the object of that is rather personally political, if I may use the expression, than merely religious: a struggle has been going on to retain in the hands of a single individual all the corporate rights and revenues of Limerick; that individual, and the party so struggling, happen to be what we call ascendancy men; and that makes a difference in Limerick, which, I believe, would not otherwise exist there; there is a great deal of Catholic commercial wealth in Limerick; and in general questions, where they are allowed to form part of the juries, as they are in questions of mere property, unconnected with any thing of a local or party nature, justice is perfectly fairly administered, by the Protestants and Catholics being on the jury promiscuously. A corporation jury there would

not be so inclined ; and I have seen instances of the grossest and most outrageous opposition in particular jurors to the administration of justice.

Lords,
March 9, 1825.
p. 125.

You stated that you have known frequent instances of jurors refusing to accede to a verdict; do you mean to state that such instances have occurred exclusively on the part of Protestants, or also on the part of Catholics?

Perhaps I should correct my answer as to frequently knowing it: as to my positive knowledge, the frequency is confined to a few instances; the opinion is the more general and the less to be relied upon; the juror to whom I alluded in particular was a Protestant, and that because the proceeding was against a corporate officer, he held out against the other eleven jurors, until he compelled them not to find a verdict, and he was rewarded with the freedom of the city of Limerick, which was presented to him for that.

Do you attribute that to a difference of religious feeling, on both sides of the question, or exclusively on the one side?

Religion was an incident; corporate corruption was the cause. And if the worthy gentleman had been a Catholic, I am convinced he would have been equally ill-conducted with similar motives.

p. 127. When you make this statement (*expressive of strong disapprobation,*) with respect to the system of the court of quarter sessions, you do not apply it as affecting one religion more than another, or as at all connected with religion?

Totally unconnected with religious difference, and having no connection whatsoever with the disqualifying code.

p. 128. Is there any belief, on the part of the population, that the civil cases are unfairly decided at the quarter sessions?

O yes; the population feel that it is impossible to do justice with such a court, but that belief is not at all mixed with any difference of religion.

In point of fact, have you any reason to complain of unfairness or partiality in the administration of those courts? Lords,
March 9, 1825.
p. 129.

None, as connected with religious distinctions, with the single exception of some tinge in the magistracy upon that subject; none that requires any great consideration, and certainly none that would not be remedied by increased prosperity in the country.

They (*the magistrates*) were also in the habit of turning almost all cases with respect to civil rights into criminal offences, and beginning by inflicting punishment, that is imprisonment, by sending an individual, who frequently was least in favour, for it came to that, to gaol.

p. 130.

Has not that practice been corrected by the appointment of petty sessions?

It has been diminished, and diminished to a considerable extent; but if the magistrates are disposed to act wrong, they protect each other, by there being two or three in petty sessions, more than they would be protected if they acted individually; so that some evils are created, even in that way, the remedy being in my humble judgment to get a better class of magistrates.

Do not you think they are frequently a check upon each other?

In some instances; and in many they are, because three, or four, or five of the magistrates cannot well come together, that there is not some gentlemen of superior station and disposition amongst them; and when there is one such, he will correct, or at least tend to correct the mischiefs of the others; so that I take the petty sessions to be, notwithstanding some abuses, a very great improvement.

Do you think there has been any one instance of misconduct so gross as that to which you have alluded in a former answer, on the part of single magistrates, since the petty sessions have been introduced?

I do not; I think in that respect the petty sessions are decidedly a great improvement.

Have they tended to give the population a more favourable opinion of the administration of the law?

They have; subject always to a qualification, that the system has so worked in Ireland, that the people conceive that almost every thing done is done as a matter of favour and not of right; and as they before solicited individual magistrates, and I believe used more powerful means than mere solicitation, they now endeavour to solicit the magistrates who are to hold the petty sessions; a kind of canvass takes place; for the impression upon the Irish peasant is, that unless he has what they call interest, he has no chance of success before any tribunal. The superior tribunals are not open at all to the Irish peasant; he cannot have money enough to go to law; the attorney may speculate in taking up his individual case, but a peasant himself cannot bring the law into action on his behalf at all, that is quite out of the question.

Those are all cases arising out of the state of society both as to the rich and to the poor, and not at all connected with religious differences?

I should not go to that extent; I may be mistaken, but I think the system itself is so interwoven with religious distinctions, and its present state so much, if not created, amalgamated with it, that it would be impossible for me to say that they are unconnected; they do not in very many individual instances, operate as between Catholic and Protestant immediately, but they do in some, and part of the origin of the system is, in my opinion, the religious distinction.

A. R. BLAKE, ESQ.

I AM acquainted only with the superior courts of Ireland; I may have a little feeling upon the subject as belonging to one of them, but I am conscientiously satisfied that they administer justice as purely and honestly as any courts upon the face of the earth. If I were to say what influence I think the Catholic disqualifications have upon them, I should say it was to turn their feelings in a direction favourable to the Roman Catholics; the lower orders however think the contrary; they think that the judges being all Protestants, have a leaning against the Roman Catholics; they consider the exclusion of the Roman Catholics unfair; that the object of it is to give the Protestants an undue advantage in the distribution of justice.

You are speaking of the higher courts?

Yes; with which alone I am really acquainted. I must observe at the same time, that I have made some inquiries respecting the administration of justice before the assistant barristers; and I believe that to be honest and pure in general.

Comm.
Feb. 25, 1825.
p. 45.

Lords,
March 2, 1825.
p. 100.

REV. JOHN KEILY.

WITH respect to the administration of justice in that part of the county of Cork with which you are acquainted, have you ever heard complaints among the common people?—I have heard complaints from the common people upon all subjects, but when they were investigated, to a certain degree, I did not find them substantiated generally. I live in a part of the county of Cork, rather remote or apart from the county at large; in my passage through the country, I have heard conversations occasionally, and those conversations were so very vague, I did not enter into them sufficiently, nor have evidence to establish facts of my own personal knowledge. I know of no magisterial delinquency for those

Lords,
April 21, 1825.
p. 520.

two or three years, since the reform of the magistracy.

Have you heard any complaints or apprehensions on the part of the people, that justice would not be done to them at the assizes?—The apprehension in my part of the country, regards the expense of going to the assizes to get redress, the assizes being too remote; and I have, in many instances, failed in inducing the people to have recourse to the law for redress for injuries done to them, because they conceived the expense and trouble and delay would interfere with their other business.

Have you ever heard them express any apprehension on the score of the selection of juries, or of juries being taken from the people of one opinion more than another?—Very seldom. I found, from my intercourse with society in the county of Cork, that it was a relief to all parties, without distinction of religion, to be exempted from serving on petit juries. I have heard complaints made, that on the record juries, there was not a proportion of Catholics; and on the grand juries, particularly the last time, it was said the sheriff for the year was a prejudiced man; because there was only one Catholic on the grand jury; but I have never heard a distinction drawn between the qualification on the one side or the other, until lately.

REV. MICHAEL COLLINS.

Comm.
June 11, 1824.

You are very well acquainted with the description of persons, who form usually the county of Cork grand juries; do not you conceive that a fair proportion of Catholic gentlemen are usually invited upon the county grand jury?—The county of Cork is very large, and my knowledge of it is rather limited; I have known of two or three Roman Catholics being occasionally summoned upon the grand jury; and I have known instances where they were altogether excluded. The greatest number of Catholics summoned at any one time, never has, I believe, exceeded two or three.

How many Roman Catholic gentlemen, of sufficient property to serve on grand juries, do you conceive there are in the county of Cork?—I am not prepared to answer that question; but it is the general impression on my mind, that there are a good many.

Can you mention the names of the Catholic gentlemen who are qualified to sit on grand juries, in your opinion?—I really would not undertake to say; I never turned my attention to that point; there is a Mr. Roche, of Ahaddir, who has got a good property; I do not know whether he is on the grand jury.

That is a very lately acquired property?—There are very few Roman Catholics in the county of Cork, that have had an hereditary patrimonial property, with the exception of two or three; there is Mr. Rochfort, he lives near Kinsale; at Garristown, two brothers, Coppingers; Mr. Barry, of Lamelara; Mr. Deecy, of Clonakilty, and Mr. Goold. There have been Protestants appointed upon the grand jury that have not, as I have heard, three thousand a year, nor one thousand a year, nor five hundred a year.

With respect to Mr. Rochfort, in the first place, does not he frequently serve upon grand juries?—I have seen his name upon grand juries.

Mr. Coppinger, of Barryscourt, frequently attends?—I have seen his name.

Mr. Barry, of Lamelara, have you seen his name upon grand juries?—Yes, I have.

Mr. Roche, of Ahaddir, he is a person of very lately acquired property, a man who had been very low in life?—I do not know what his situation in life formerly was

Did you ever hear the fact, that he had been a shoemaker?—I did.

When did he acquire his property?—During the war.

Are you acquainted, that it is more a funded than a landed property?—I believe he has got a landed estate.

Very small compared to his funded property?—Yes.

RIGHT REV. JAMES MAGAURIN, D. D.

Comm.
March 23, 1826.
Report, p. 275.

You have been examined as to the case of Connell's murder, were you at Mullingar at the time of that trial? I was not.

You have stated your belief that nine persons not guilty of the absolute offence of murder, suffered the punishment of the law?—I have.

Did you ever read any authentic publication of that trial?—Never.

Have you ever seen any report of the evidence on that trial?—Never.

Do you state that opinion upon the mere general rumour that prevailed in the county?—I do.

You have no knowledge of the case, except from report?—No other but report.

And it is part of the same report which you have heard, and of the same impression which is general amongst the people in the country, that though those nine individuals who suffered had not committed the crime of murder, yet that they had conspired to commit it?—They were believed to belong to an illegal association that was very general in the neighbourhood.

And that they had intended to perpetrate that murder?—That I think also has been the belief.

Are you aware whether the individuals who were convicted were not indicted for a conspiracy to murder, as well as for the perpetration of murder?—I am not, but I believe they were indicted and prosecuted for the commission of that crime; I believe the individual who gave information against that party, swore that they were the persons committing it.

During the whole time of your residence in the county of Longford you cannot call to mind any case of a conviction which you think was produced by this collision of political sentiment or those excited apprehensions?—I cannot in the county I reside in, it is generally well governed.

The opinion you have now expressed (*with respect to the improper conviction*) is founded upon the prevalent belief and report in the neighbourhood in which you reside?—Exactly.

Comm.
March 25, 1825,
Report, p. 277.

Do you consider that this sort of general report prevalent in your neighbourhood, is as satisfactory a ground upon which you can form an opinion upon so important a matter as this is, as an authentic report of the trial would have been, if you had read one?—The authenticated report is nothing but the prosecution and conviction.

Would not an authenticated report of the trial have been accompanied by the evidence upon which that conviction was founded?—The evidence was one of the party that first conspired; he gave the information, he became the informer.

Whatever the evidence was, do you not believe, that the perusal and consideration of the evidence would have been a more satisfactory ground upon which to have formed your opinion, than the report which you say prevailed in your neighbourhood?—I cannot be a judge of that.

Can you state why you did not have recourse to that method, which is usually adopted in such cases, instead of resting upon the mere report of the neighbourhood?—I did not seek the report, but I heard it from different persons; I did not resort to either the one or the other.

When you found a prevailing general impression among the Roman Catholic inhabitants of your diocese, that nine innocent men had unjustly fallen victims to the law, did not you think it incumbent upon you to ascertain the precise facts of the case, in order that, if that impression was erroneous, you might undeceive the people who entertained it?—No, it was not my duty; nor do I know where to resort for such information.

Did you mention it as your belief, or that such was the general belief of the country?—I believe it was in

a cursory kind of way; it was rather a matter of conversation; and my reason for mentioning it at all was, because of the dreadful results that arise from the feeling that persons are punished, not being guilty; it leads to those midnight outrages and retaliations.

THE RIGHT HON. ROBERT PEEL.

HAVE you any information to give respecting the statement of Doctor Magaurin as to the execution of some men in the county of Westmeath?—I desired an application should be made to the clerk of the crown for the county of Westmeath, for the purpose of ascertaining from the best authority, what passed in the year 1814, in the case of certain individuals, who were executed for being concerned in the murder of a man of the name of James Connell. I think Dr. Magaurin's impression was, that nine persons had been executed for that murder; but I find that the total number of persons executed for being concerned in that murder was six, that those six were indicted on the charge of murder, and also on that of conspiracy to murder; that they were all acquitted on the charge of murder, but all convicted of the conspiracy to murder; and that therefore the offence for which they were executed was the conspiracy and not the murder, and probably that may have led to the impression as to the innocence of the parties, which Dr. Magaurin stated to prevail in the county of Westmeath, persons not being aware, that the conspiracy to murder is a capital offence in Ireland.

The reader can now be at no loss to account for the suspicions which the peasantry of Ireland entertain with respect to the administration of justice, and which, according to Mr. Shiel, it is so important to adopt some means of removing. The Roman Catholic Association, at the motion of Mr. Shiel, petition the legislature, complaining of partiality in the execution of the laws. Mr. O'Connell loudly proclaims in the hearing of the people, that juries are dishonest, and Dr. Magaurin does not

conceive it to be the duty of a Roman Catholic bishop to disabuse "his subjects" of mistaken notions which have occasioned the outrages and "midnight assassinations" by which Ireland has been so dreadfully afflicted and dishonoured. Dr. Magaurin did not even think it necessary to make any inquiry into the justice of the suspicions which his people entertained, because "it was not his duty"—not his duty to remove, if it were possible, impressions from the minds of his people, which, if he is himself to be credited, caused murder to be perpetrated. Let it be remembered, that to remove, if possible, such unjust impressions—even to inquire whether they are unjust, is, declared by a Roman Catholic bishop to be no part of his duty.

SIR JOHN NEWPORT, BART.

I do believe, indeed I know, that at an earlier period, within my recollection, juries in some counties were not very fairly struck, and the people were warranted in entertaining distrust, from the manner in which they were struck.

Lords,
March 25, 1825.
Report, p. 462.

To what period do you refer?—Twelve or fourteen years ago.

Has that evil been remedied?—Yes; I believe the high sheriffs being now struck from a more respectable description of persons than they formerly were, an amelioration of the office of sub-sheriff has followed in a certain degree; but upon that head, the committee and the legislature will receive much more information when the report from the commissioners of inquiry will come before them; and they will there find to what extent this evil has operated, in several counties in Ireland.

General Observations.

After the body of evidence here submitted to the reader, the Editor feels it almost unnecessary to offer any comment; only he would suggest, that the negative testimony borne to the impartiality with which justice is now administered in Ireland, is the more valuable, from its being borne by witnesses who would, had it been possible, have provided themselves with materials to support certain charges which they had previously made. The reader may remember, that not very long since the Roman Catholic association in Dublin, at the motion of Mr. Shiel,

adopted a petition complaining, in no measured terms, of the unequal and dishonest administration of the laws in Ireland, and that communications from all those who were aggrieved were courted, for the purpose of having the allegations of the petition substantiated by facts. Thus, then, all practicable means were adopted of discovering abuses in the administration of justice, arising out of party feeling; and when Mr. Shiel appeared before the committee of the House of Commons, he was not prepared to adduce one single fact in support of his former accusations. The case to which he alluded was most unfavourable to his cause. In order to prove that the administration of justice was warped by an aristocratic and by a party feeling, he stated, that in a case where the plaintiff was a gentleman of respectable family, in station on a level with the defendant, was also a Protestant (*the Editor has reason to believe an Orangeman, certainly such in every thing save the ceremony*), the jury, nevertheless, in compliance with the charge of Chief Justice Bushe, gave lighter damages than Mr. Shiel thought they ought to have given. Mr. O'Connell is contented with urging, in general terms, against the gentry of the county of Cork, as foul a charge as could easily be imagined, but as he states no particular instance of the misconduct he condemns, the Editor imagines that he may, without any great forbearance, leave Mr. O'Connell's charges without a comment, to be classed among those "railing accusations" which indicate less the nature of the dignities they assail, than that of the mind in which they originate. Upon the whole, it may be concluded, that the numerous members of the Roman Catholic association were pledged to support, if it were possible, the allegations contained in their petition, that those members who were examined on those allegations could not have been unprepared for such an examination, and that their inability to establish the charges previously made, was occasioned simply by the circumstance that their charges were groundless.

There was one accusation urged by Mr. Randal M'Donnell, against a magistrate, for haying, as he said, refused to arrest a convert to the Protestant church, who was accused of heinous crimes; but as Mr. M'Donnell derived his information of the magistrate's conduct only from report, and as a principal part of his testimony (in matters in which he ought to have had clearer knowledge) has met with a direct contradiction from Major Warburton, the Editor hopes that he will not be concluded as partial or incorrect in rejecting the hearsay testimony altogether.

On another subject (alluded to by Mr. O'Connell), the Dublin juries, the Editor does not think it necessary or proper to offer any comment;—it has been made the object of a special inquiry, and has already received from the legislature abundant

consideration ; but with respect to that portion of the administration of justice, which more properly belongs to the present work, as far as judges, juries and magistrates are concerned, it can hardly be denied, that the imputations attempted to be cast upon it are proved to have been unfounded. There is, however, a difficulty still in the administration of justice, arising in a source to which the attention of the government appears to have been not yet directed. The little respect which Irish witnesses entertain for the sanctity of an oath, and the contrivances which the more conscientious sometimes adopt, to unite the advantages of perjury with verbal truth, have been frequently noticed, and various explanations have been offered, and various causes assigned of this unhappy characteristic. It will be well to consider what effect the following extracts may have in suggesting an additional explanation.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

HAS any case occurred, in your Grace's consistory courts, of property being disputed on the point of a marriage between Protestants and Catholics, being valid or invalid ?

Lords,
May 3, 1825.
p. 687.

Yes ; there has been lately a very extraordinary one in the consistory court of Dublin, as I was informed by one of the officers of the court, just before my departure from Dublin. A woman appeared at the court, to administer to the effects of her father, who had lately died. She stated on oath, that he had died intestate, and had left no widow. As she was leaving the office, she was asked by one of the clerks, who knew her, how she could possibly swear that her father had left no widow, when she knew perfectly well that her father had married a second time, and that the widow was now living ? to which she answered, that it was not so ; that she had gone to the priest (naming him), to know whether she should make the affidavit, and was informed by him that she might, for that the woman could not be called his widow, as she could never have been properly called his wife ; and that when it was still put to her, that her oath was directly contradictory to the fact, her answer was, that she could not presume to know

better than her priest, or to say anything contrary to his word. The officer informed me, that the parties had been married by a Protestant minister, and that to this it was the priest alluded when he pronounced it not to be a marriage. When this matter was made known, the woman was ordered for examination again before the court; and how it has terminated I have not heard.

REV. W. O'BRIEN.

Comm.
May 10, 1825.
p. 588.

A CASE came before me, as the Roman Catholic Vicar General of the diocese; a case of conscience, brought before me by a parish priest. He was not allowed to mention names, but he stated it in this way: "A person in my parish, a slovenly idle farmer, has got a large tract of ground, which is not worth anything like the rent he had assumed for it; but his landlord is indulgent, and does not call for the rent, and he probably owes five or six years. He has three sons; he encourages these sons to get wives, and holds out to them, as a marriage portion, a share in his slovenly farm; he divides it into four parts, retaining to himself one part, and surrendering the other three parts to his three children; he grants them leases upon it for lives, at a reduced rent. When I say reduced, I mean a less rent than he pays himself. The landlord is aware of the transaction; the three sons go forward, register their votes out of those new freeholds, and at the time of the election, vote for the friend of their landlord." The clergyman applies to me, to know how far I consider those three men guilty of perjury; he did not consider them guilty of perjury, for they swore that they had a lease of lives, and that their interest in that lease was worth more than 40s. a year, which it actually was. Then my opinion was, that they were guilty of perjury, and that the whole transaction was an abominable one; that the head landlord should be paid; that they were

aware that the rent was in arrear; and that the father could not give them what he had not himself, a freehold. I have known abominable instances of perjury, in consequence of the miserably wretched state of the peasantry of the country.

Here are two cases stated, in which the individual taking an oath relied altogether upon the judgment of a priest, as to whether it should be taken. Here are two perjuries; one of them, in the judgment of Dr. O'Brien, "an abominable transaction," and the guilt in both instances incurred at the dictation of a Roman Catholic priest. The Editor does not mean to impute, in either case, evil intention to the deluded, or to the (perhaps unintentional) deceiver; but he wishes to direct the attention of his readers to the fact, that the conscience of the Irish peasant is exercised, not in distinguishing right from wrong, but in directing obedience to all sacerdotal injunctions; and that these injunctions are of so contradictory nature, as that one priest shall direct his parishioner to do that which another priest condemns as an abominable crime. Whether a conscience so exercised and so directed is likely to attain that state of healthy sensitiveness, which would make it an efficient auxiliary of justice and the law, it requires but little consideration to determine.

SECTION IV

CHAP. I.

Claims of the Roman Catholics.

RIGHT REV. J. DOYLE, D. D.

Comm.
March 18, 1825.
p. 218.

WAS there anything in the conduct of the Roman Catholics, in your opinion, during the reign of the Stuarts, that justified the English Parliament in passing the penal laws against them?

p. 219.

Yes; I think at that time, the connection of the Roman Catholics with the Stuarts, was such as justified, and even made it necessary, for the English government to pass some penal laws against the Catholics; such as the excluding them from offices of trust, and perhaps even from the councils of the sovereign; but I think that the necessity which existed, and which certainly would justify, perhaps demand of the government, to pass certain restrictive laws against the Roman Catholics, could not justify them in passing the very harsh and unnatural laws which abounded in the penal code.

Inasmuch as that conduct was hostile to the principle of the constitution of England, and civil liberty, are you of opinion, that they were in that degree justifiable?

I do think they were justifiable; nay, that it was their duty to pass restrictive laws against the Catholics, considering the political principles of the Catholics at that period.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Lords,
May 3, 1825.
p. 689.

I AM not able to explain to myself, how the heads of the Roman Catholic church, under a Protestant king,

can consistently preserve the oath of allegiance to the sovereign. I find myself unable to reconcile that most solemn oath, that is taken upon the appointment of a Roman Catholic bishop, with his allegiance to the sovereign. It appears to me that there is an obligation as deep as that which can grow out of the feeling of Christianity, at war with the civil obligation. The Roman Catholic bishop is bound by an oath of fidelity and obedience to the Pope and his successors, whereby he promises, "never to assist in any counsel or act, whereby they shall suffer in life or limb, or sustain any violence or injury, under any pretext whatsoever;" that he will "disclose to no one, to their loss, any counsel committed to him by them;" that, "(saving his own order) he will assist in retaining and defending the Roman Papacy, and the royalties of Saint Peter, against every man, (*contra omnem hominem*);" that he will "treat the apostolic legate, in his going and returning, with honour, and assist him in his necessities;" that he "will make it his care to preserve, defend, increase, and promote the rights, honours, privileges, and authority of the holy Roman church, and of the Pope and his successors;" that he "will engage in no counsel or act in which any thing prejudicial shall be attempted against the Pope or the said church, in person, right, honour, state, or power;" and that, "if he should come to know of any such evil being attempted against them, he will prevent it to the utmost of his power, and as soon as possible make it known to the Pope, or some one through whom it may be made known to him; that he "will himself observe with all his powers, and cause others to observe, all the rules, decrees, ordinances, reservations, provisions, and apostolic mandates of the Pope;" these and the remaining articles of the oath, one of which, as I have understood, directed against heretics, has been, by the authority of the late Pope, struck out of the oath, leave me totally at a loss to discover in what respect there is any deficiency as to the

fullest obligation to allegiance. I can find in this no reservation or circumscription whatsoever; and therefore looking to a case of mere temporal concern solely, and supposing the possibility of a war between this country and the states of the Pope, unless there be some dispensing power affecting the obligation of this oath, or something be specifically and openly announced to qualify the oath of allegiance to the sovereign, I do not see how both oaths can be safely taken by the same person. The individual who takes this oath appears to me to be bound to communicate to the Pope every secret of his sovereign which it may be necessary for the Pope's safety to know; and to be in like manner bound to conceal every design communicated to him, on the part of the Pope, which it might be injurious to the Pope that his sovereign should know, and which by his oath of allegiance, considered in itself, he would be bound to make known to his sovereign. It seems also to go to this, that if the sovereign of this country were engaged in a war with any state on which the papal rights or the privileges of the Roman Catholic see mainly depended, he would be bound to act in like manner, and to make and to withhold the same communications as in the case in which the Pope was the party immediately concerned. Thus, then, the bishop seems bound by an oath which interferes directly with his oath of allegiance to his sovereign, when the interests of the Pope and those of the sovereign come into collision, and when the giving the support of a loyal subject to his prince, would be vitally injurious to the Pope. If this disturbing influence exerted on the bishop be carried down through the priest, either from the nature of his oath or in any other way, it must be unnecessary to say, from the close and influential contact into which every officiating priest is brought with the Roman Catholic population of the country, what the effect must be as to the general loyalty. This, at all events, must be the con-

Lords,
May 3, 1825.
p. 690.

clusion, that as far as the system generally is concerned, we have chiefly to depend upon the personal conduct and character of the Roman Catholic clergy, for the loyalty of the mass of the Roman Catholic population.

In what manner is what your Grace calls the Roman Catholic system perpetuated?—By those recorded councils and decrees, which the Roman Catholics one and all declare to be immutable, and declare also to be the only authentic standard to which any person can refer, in ascertaining what are the true doctrines of the Roman Catholic church.

Are there any tenets of the church of Rome which you consider as rendering a Roman Catholic unfit for holding any situation of trust or power in a Protestant state?

Lords,
May 11, 1825.
Report, p. 742.

I think there are, provided the recorded system of the Roman Catholic faith be referred to.

There are two canons, amongst the acts of the third council of Lateran, which contain very strong matters. The one is the sixteenth canon, and the other is the twenty-seventh. The sixteenth canon pronounces, that oaths are not to be esteemed such, but rather perjuries, which are adverse to the interests of the church. The twenty-seventh decrees remission of sins to be granted to those who pursue heretics to slavery and destruction. I beg leave to lay them before the Committee.

May 13, 1825.
Report, p. 775.

His Grace the Archbishop of Dublin enumerated many other tenets of the Roman Catholic church, equally opposed to the interests of society or of the British government, with those here stated; but as the second part of this work is devoted principally to doctrinal matters, the Editor passes on to the reasons assigned by his Grace for seeking the doctrines of the Church of Rome in the decrees of councils, rather than in the representations of individuals.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

When they (*the Roman Catholics*) make the endeavour of explaining away the most obnoxious parts of the

Lords,
Report, p. 778.

doctrines attributed to the Roman Catholic church, what advantage is there in endeavouring to force them back upon the doctrines which may possibly have been held by Roman Catholics six hundred years ago?—The only advantage that I feel is this, that if there be reason to suspect their sincerity, and that this is only assumed to effect an object, the danger of successful deception may be averted. If a person attempts to deceive me for purposes of his own, I may feel it necessary, in self-defence, to detect and expose him.

In what manner do you expose the individual by exposing the church in ancient times?—I have spoken of the church here as the individual. It has become lately the custom to represent a few individuals, who are not and cannot be authorised to speak for the church as the church. I am reduced to a difficulty, because it is a substitution of things, one for the other, which are totally different. The Roman Catholic church disclaims all such expositions of individuals, and those very individuals themselves, if pressed by unauthorized concessions from which conclusions may be drawn unfavourable to their church, are always sure to disclaim them, and at once appeal from them to the decrees of councils and the acknowledged authorities of their church, as the only standard that can and ought to be referred to. I therefore only follow the example of that church, in referring to its own decrees and councils as the only true standard; and I think I am justified in comparing its anciently received system with the modern representations of its doctrines.

Do you apprehend that time, which is said to be the greatest of all innovators, has changed nothing in the practical application of the doctrines of the church of Rome, in the course of six centuries?

We know to a positive certainty, that within a period very far short indeed of the range of six centuries, doctrines of that church have been openly avowed and

acted upon, as much in violation of the common principles of society as they could have been in the days of Lateran or Constance. I have handed in to-day a paper that sufficiently proves what the avowed character of that church was at a distance of time much less than the half of that which has been named; and some records, referred to at the last meeting of the Committee, prove that the system had not lost its character at a comparatively recent day.

Do you apprehend that the spirit of the age has no influence upon education?

I conceive that a man may profess to be a Roman Catholic who is not a true one; and I conceive also, that there may be something in the very system that controuls education. Indeed, I rather think it is a notorious fact, that persons of that communion, in the higher situations in this country, and who ought to have the fullest benefits from education that society can afford, are found generally to be possessed of its beneficial results in a very different degree from those who are not enslaved to the principles of that religion. I think, in short, that the system itself counteracts education, and impairs, when successfully inculcated, its liberalizing influence.

Do you apprehend there is no practical difference between a Roman Catholic now, and a Roman Catholic in the time of Boniface the Eighth?

When I am asked about individuals, not having the means of forming a just knowledge of individuals at a distant period, I am unable with exactness to answer the question. Society itself must have undergone a total change in such an interval. If I am asked what was the conduct of the system then, and what it is now, I am obliged to answer, that it must be concluded to be the same. When I speak of the Roman Catholic religion, I speak always of the known and acknowledged system of that church. As to what departure individuals may

make, either in former times or the present, from the principles they profess, it is not for me to say. If it has been found that it is an insincere denomination, and that the persons who profess to hold the principles of that church do not hold them, I will not say that this may not be turned perhaps politically to account, by those who look only to what may appear expedient; and yet I would not infer much of what is beneficial from an arrangement founded on such a basis; because I cannot but think, that individuals, who will not abide manfully by the system which, according to the rules of their church, they are bound to profess and to maintain, are not the persons to be most depended upon in any other professions and declarations they may be led to make.

If a man should believe in the uninterrupted succession of Popes from the time of St. Peter, and in transubstantiation, and perhaps in some other doctrines generally acknowledged by the church of Rome, is there any advantage in proving, that in order to be a Roman Catholic he ought to believe a great deal more?

I think, that to be a genuine Roman Catholic, he has in truth one thing only to believe; that is, that it is his duty to relinquish the exercise of private judgment altogether, and to repose his conscience in the keeping of the priest. And this being granted, it appears of little consequence what may be the specific doctrines he assents to besides. In doing this, he has of course bound himself to whatever doctrines may be imposed upon him by the persons under whose influence his mind is placed; and, consequently, I am entitled, with respect to such persons, to look back to that system which the teachers of the religion themselves maintain; and the presenting to the mind of the individual the whole of what that system requires him to believe, may prove to him a salutary check.

Do you think it better that a person professing the

Roman Catholic religion should believe in the whole system as you understand it, rather than that he should gradually slide into Protestantism, by explaining away some of the most obnoxious doctrines attributed to his sect? I do not exactly know what answer to give, as to what it may be better for a person to do in changing from a certain set of opinions to another. It is quite manifest, that whilst he abides by the system he cannot pass into Protestantism; and yet, if he is not aware of the extremity to which that system requires him to go as a true Roman Catholic, he is not so likely to be desirous to explain away its doctrines. As to the manner in which he is insensibly to slide to the boundary between the Roman Catholic religion and Protestantism, that I do not comprehend.

Must not all change of religious feeling be gradual?

The change of religious feeling that I would desire, in order to give me any hope with respect to a Roman Catholic, would be a change to a determination to read the Scriptures sincerely for himself, and to exercise his own judgment conscientiously upon them. This, which is the only true approach to Protestantism, and the only real resemblance to its character, I have not seen put forward by those who would present to us other plausible similitudes; yet every thing short of this is vain. Unless private judgment be exercised by the individual in a conscientious search for himself, of what his duty is, he has taken no real step towards the Protestant religion; and there is no absurdity, however great, connected with the scheme of the Roman Catholic religion, that does not stand its fair chance for continuance, as well as any plausible explanation of particular doctrines can possibly do.

The Committee may understand, by the whole tenor of your Grace's evidence, that you are decidedly hostile to any concession to the Roman Catholics?

I have no connection with political concerns; I am asked with respect to their religion. It is the misfortune of the present day, that the Roman Catholics have made now their religion their politics, and their politics their religion; and if the consequence of my having a very unfavourable opinion of their system of religion be, that I must be supposed to be adverse to their political claims, I cannot help that; it is their act not mine. As long as I find that the Roman Catholic system still avowed in that church, and in no one part disclaimed by any authority of that church, is such as to be in its obvious consequences at war with the peace and safety of society, so long it is impossible for me to desire to give the members of that communion increased power. I feel, that if power be given to those who acknowledge as a vital principle a spiritual supremacy, power is actually given to the person who possesses that spiritual supremacy; and therefore we let into our constitution a foreign influence of a much more dangerous character than if it were avowedly temporal. I conceive, that admitting the Roman Catholics of these countries, subject to such an influence, to the full privileges of the constitution, is not merely admitting so many individuals to certain privileges, but that it is actually making a change of the Protestant constitution of the empire. The constitution of the realm knows of but one allegiance, ecclesiastical as well as civil; and the Roman Catholics require in their political demands, before they will accept of what they profess to seek, that we shall in the first instance acknowledge a new supremacy, which from its nature and character must necessarily (as the next world will be felt by every conscientious man to be more important than the present) be paramount over that which the loyal Protestant subjects of this realm consider to be supreme. This appears to me a great alteration; it seems an unjustifiable demand; it is not

a petition for admission to privileges, but it is a demand that the constitution shall abate its own power, and alter its own character. And here is the great difficulty with regard to Roman Catholics. There is scarcely any other description of religionists in existence, that may not be admitted into offices in the state, without introducing a new power hitherto unknown to the state. There must, in the first instance, be brought in a new supremacy, before a Roman Catholic will condescend to accept of any of those offices that he seems to be so desirous to obtain, but which at the same time he holds cheap and contemptible compared with that allegiance which in any state is dangerous, a foreign allegiance; but which in the Protestant state of Britain is eminently dangerous, as being at direct variance with the religion of the empire.

The Committee is to understand that your Grace apprehends danger to the establishment from any further concession being made to the Roman Catholics?

I do, in the present state of things. If additional power be given to that body, the impression upon my mind is, that unless a very material change should take place to neutralize its effect, that power would be employed, or at least is likely to be employed, to the detriment of the establishment.

Does your Grace apprehend no danger from the withholding of the claims?

I do not feel myself at liberty to enter into calculations upon such a subject. I cannot reconcile it to myself to view this question merely as a politician; and indeed, I consider myself not qualified to pronounce on mere political matters. I am afraid to let a notion of expediency rise in my mind against what I feel to be a question of duty. I never can reconcile it to myself to do a positive, and, as I conceive, a permanent evil, on the chance of a speculative and temporary good.

Does your Grace think that Ireland can continue long in its present state with regard to that question?

I cannot bring myself to believe that the measure proposed will remedy it; and therefore I am not brought to the comparison. I doubt whether the quiet of Ireland would be secured a year by it; I am sure, at all events, not many.

Does your Grace think Ireland can remain quiet after all which has passed, supposing the claims of the Roman Catholics to be continued to be refused?

I look upon that as not the principal consideration. The government, as I conceive, is to remain unmoved in its true and just position, whatever temporary disquiet may be the result of its deliberate act; and I very much fear, that any appearance of a desire on the part of the government to yield, through the apprehension of disturbances that may grow out of the refusal of the Roman Catholic claims, will secure perpetual disquiet to that government. I have no notion of a government which is not a firm one.

Lords,
p. 769.

Are the Committee to understand your Grace to rest your apprehension of danger to arise to the Protestant church and state from the admission of Roman Catholics to places of trust and power, chiefly on the doctrines which you have alledged to be established by the decrees of councils and rescripts of Popes, combined with the doctrine of the immutability of the Roman Catholic church? Yes. The only expression in that question which I should wish particularly to remark upon, are the words which relate to "the immutability of the Roman Catholic church." I do not see that this is to be taken other than upon the statement of the Roman Catholics themselves; and I confess, I cannot see why the system should not undergo some alteration, which might enable the members of that communion to travel on with society

p. 770.

at large, partaking of its improvements and its illumination; and why, when the darker ages of their church have so long passed by, they should still insist upon all the follies which were the growth of that gloomy period. The great difficulty in treating with Roman Catholics is, that they will not condescend to change any thing; that they demand every thing to be submitted to them, but that they will on their part give up nothing. So long as this principle of immutability is maintained, I conceive that nothing is eventually safe. Adjustments may take place for a time, but if the perpetuity of the system be still contended for, they cannot be looked to for secure continuance: the old claims may again be revived, and ancient contests indefinitely renewed.

Does your Grace think that danger is in no degree diminished, from the historical fact, that there is no instance for several centuries of any persons having stated, as a justification of their rebellion, that they might rebel against an heretical sovereign?

In point of fact, I am not satisfied of the thing, as it is contained in the question. I have not upon my mind a sufficiently distinct recollection to be enabled to turn to the page of history; the contrary of what the question seems to imply is rather impressed upon my mind, without having the distinct matter before me. But even if it were as your lordships propose it to me, I cannot but think that there is a great deal more to cause apprehension, in the peremptory refusal of the authorities in that church to make a disclaimer of any one of those extravagant powers, all now accumulated into one system, and which they once exercised, than there can be to justify freedom from apprehension in the want of that open expression by individuals of a thing which they know the world would condemn.

Does your Grace think it possible that the Roman Catholic church, without abandoning the ground on which it has hitherto stood, could make such a formal

contradiction of that which has already been established by authority which they hold to be infallible?

I think the Roman Catholic church would exalt itself by the step. For now, in its present mode of proceeding, there is a kind of unworthy half-expressed denial, through unauthorized individuals, which reflects upon the character of the church, and which interferes much with the respectability of its members. And therefore, when they, in a manner which may be termed pusillanimous, endeavour to lead the public into the idea that they do not entertain practically the belief which is imputed to them, I think it would redound much to their honour, openly, in the face of the world, by some authoritative act, to disclaim that belief which they profess not to hold. I allude to those points which war with the well being of society. Immutability being the attribute of their church, under which all its ancient mischiefs may be at any time, under favourable circumstances, revived, they owe it to society at large to make an alteration in all those points which they are desirous at this day to induce the world to believe they do not maintain; and this being the case, if they will stand unnecessarily and obstinately upon that high ground which will not allow society to approach them, society, I think, ought not to allow them to come too near. If, as individuals of other communions do, they travelled on with society at large, and did not continue bound by those ancient shackles, I cannot see why the Protestants of every country should not embrace them as brethren in the civil communion, as cheerfully as other men.

Speaking of practical danger, does your Grace think that the declarations of such authorities as the Gallican church, under the conduct of Bossuet, the declarations of all the principal Roman Catholic universities, and the declarations of the leading persons in the Roman Catholic church, combined with the positive oath in which they disclaim a belief of the most ob-

Lords,
p. 771.

noxious of those doctrines, afford no practical security as to the conduct of the members of that church; notwithstanding there is not, on the part of their highest authority, a positive contradiction of those doctrines?

These things have apparently great weight; and yet I am obliged to say, that the plausible colour given to some important points, representing them, as it appears to me, in a manner widely different from the truth, is even more alarming than the open declarations of ancient times. The attempts made in later days to persuade the public to admit an affinity and resemblance between two systems as opposite as light and darkness, is a dangerous and treacherous attempt. The very favourable representations industriously given of what in its own nature is vitally injurious to society, supply strong reasons why we should be still more upon our guard. I am still obliged to return to the one point—why is it, except for the purpose of preserving a command over an immense body of men, which is always best preserved by keeping up what is mysterious, and which is, from the darkness of it, formidable, that the ancient dogmas, which are professed to be abandoned in substance, are still retained as parts of the acknowledged system? The papal influence, supported by such means, is clearly of such a character, as that it becomes all men to take such measures as will operate to the modification of that system, for the ends of general safety. In support of that influence, the plausibility of such a man as Bossuet is a thing most of all to be feared. As to the value of his representations, it should be remembered, that when he was tried upon the strong points, he never failed to prove himself a staunch champion of those fundamental doctrines from which all the mischiefs of the papal system necessarily spring. There seems no possibility of prevailing upon that church to make any change which may tend to the improvement of society, so far as depends upon them, whilst its

Lords,
p. 772.

extravagant notions of infallibility and universal supremacy remain unmodified.

Does your Grace think that the assertion of any doctrines, either of civil or spiritual power, are equally dangerous, whether the general belief of the world agrees with them or contradicts them?

I think, with respect to what is to take place in the indefinite course of time, there is not much reliance to be placed on an existing state of popular opinion at any given period: undoubtedly, when it comes to an application to a restricted period of time, and to particular circumstances, there may be a material difference; but then the effect must be dependent upon the circumstances; so that the question appears to me not to admit of a definite answer.

Was the assertion of the doctrine of absolute power, in the reign of Henry the Eighth, only equally dangerous when every body was inclined to submit to it, and no more dangerous than the assertion of the same power in the reign of James the First, when every body was inclined to resist it?

What is temporary I do not consider as of much importance, touching the question to which this refers; for whatever occurred regarding temporal power, in the reigns of Henry the Eighth or James the First, is quite of a different nature from that which relates to the power of the pope; what is temporary and depending on circumstances, may admit of a different result from what is apparently similar, but depending on a state of things in which an influence exists, which is supposed to be perpetual, widely extended, and bearing upon conscience.

ANTHONY RICHARD BLAKE, ESQ.

Comm.
Feb. 25, 1825.
p. 35.

HAD you any opportunity of ascertaining to what extent any feeling of discontent or disturbance prevailed in any parts?—So far as I could form an opinion from

the outward appearance of things, I should conceive that there was not any disposition to disturbance existing at that time ; with respect to discontent, any opinion that I may have upon that subject is formed more upon information than observation, so far as relates to that particular tour. I had conversations with the clergy of both denominations, (Protestant and Roman Catholic) and with the gentry of all descriptions. I have thus learned the state of the public mind, through the interior of Ireland, and I am sorry to say, that discontent, to a very alarming degree, prevails amongst the Roman Catholics, and that the most painful and lamentable dissensions exist, and are hourly increasing, between them and the Protestants.

Comm.
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Is that discontent general among them ?

I think there is a general feeling of discontent amongst the Roman Catholics, at the state of the laws respecting them. I think, at the same time, that there is a general degree of satisfaction at the course pursued by the present government of Ireland towards them. I am satisfied that this is the general feeling, from conversations which I have had, particularly with the Roman Catholic clergy.

In what manner was this discontent described to you to exist, and with respect to what particular parts of the law?—I should not say that it existed, so far as my information went, or the impression which I received, with reference to any particular part of that general code which creates disabilities in respect of the Roman Catholics. There is a discontent prevailing universally amongst them, at the general spirit and tenor of those statutes, by which the whole body is depressed, and placed below the Protestants, without reference to rank, character, property, or information.

Did you discover that there was a general acquaintance amongst the Catholic body with the nature and extent of the existing penal disabilities?—There is a

general knowledge amongst the Catholics, that Catholics, as Catholics, are put below Protestants. They know that the powers of the state, executive, legislative, and judicial, are by the law required to be administered by persons who, as their qualification for administering them, must forswear the Roman Catholic religion; this produces continual irritation. I speak from conversations with the Roman Catholic clergy and the Roman Catholic gentry, as to the feelings of the lower orders, from personal observation as to those of the middling and higher orders.

Can you mention any particular disability which excites dissatisfaction?

Where there is a general code of disability, it is difficult to point out the particular parts of that general code which create most dissatisfaction; the exclusion of the Roman Catholics from that general range of office to which men of superior talent, property and education, aspire, necessarily produces amongst them a degree of irritation proportioned to their wealth and intelligence, and which must therefore go on increasing in proportion as their wealth and intelligence increase. Thus the powers of property and knowledge, which, honoured and directed by the state, are calculated to promote public happiness and peace, are so dealt with by the laws of exclusion as naturally to produce discontent and disorder. The exclusions which go most home to the general feelings of the people, are Parliament, and the Bench. Parliament makes, the Bench administers, the laws of the empire; the Roman Catholics are excluded from both. This, it is said, is essential to the security of the Protestants; then, what becomes of the Catholics? If Protestants would feel insecure, were Catholics mixed with Protestants in Parliament or upon the Bench, what must Catholics feel when both are filled by Protestants exclusively? The fact is, that they consider these exclusions as rendering Parliament

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and the Bench hostile to them, and therefore they place confidence in neither.

Is it your opinion that the existence of the laws as they now affect the Roman Catholics of Ireland, has a tendency to produce a peculiar degree of union among that class, as Roman Catholics?—I have no doubt of it; they are bound together by a common sense of a common grievance.

Do you not conceive, in consequence of the existence of that union, if it should be acted upon at elections generally, and more especially in counties, the result of it must be to give a decisive influence to the Catholic body, as things now stand in the counties?—I think it would give to the Catholic body a degree of influence beyond what the just weight of their property would otherwise entitle them to; it enables active Catholics, clergy and laity, to alienate the lower orders from their landlords, and through their numbers to carry all before them, driving Protestant property, when opposed to them, utterly out of the field.

Is it your opinion, then, that the influence of religion and the priest would be stronger than the influence of the Protestant landlord?—Speaking from facts, I should say, yes; I have heard of acts of interference at the Dublin election, and the Sligo election, and other places.

You have stated, that the priests have on several occasions interfered of late in elections?

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March 2, 1825.

I have been so informed, and I believe the fact.

That has been in cases of contest between candidates, one of whom was supposed to be favourable to their claims, and the other adverse?

Certainly; into those contests only religious feelings run.

Would not religious feelings enter as much into other contests? would they not enter into contests between

a Roman Catholic candidate and a Protestant candidate, after the alteration suggested ?

I think not ; if the Catholic question were set at rest, I am persuaded that religion would no longer run into elections, to any degree. Political or personal considerations would govern ; I should vote for the Protestant or Catholic candidate, without reference to his religion, according as I should be led by political principles or connexions.

You mean, supposing all questions were settled by the concession of what is called Emancipation ?—I think that if there were any material questions left open, the feeling created at an election in which a Roman Catholic opposed a Protestant, would be pretty much the same as the feeling now created where a Protestant opposes a Protestant who is supposed to be favourable to the Catholic claims ; but my notion is, that the Catholic question may be settled without that universal removal of disabilities which is contemplated by many ; I think the two exclusions which the people seem most keenly to feel, are the exclusions from the bench and Parliament.

R. DE LA COUR, ESQ.

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May 6, 1825.
p. 551.

WOULD conceding the measure of Catholic Emancipation be, in your opinion, injurious to the Protestant establishment ?—I think quite the reverse.

On what grounds do you form that opinion ?—Connected as the establishments now are in church and state, under the constitution that we enjoy, upheld and protected as that connexion is, and as in my opinion it always will be, by the concurrent, co-operating influence of the obligation to preserve the crown essentially Protestant ; and that principle directing the councils of the nation, and the preponderating Protestant feeling of the empire ; I consider the union between the Pro-

testant establishment and the state, interminable and indissoluble. A measure, then, that by opening the avenues to honourable promotion and the enjoyment of civil privileges, would inspire respect, attachment, gratitude and devotion, to the one, would, in my opinion at least, disarm hostility, and extinguish all jealousy towards the other. But I would certainly calculate upon more than a negative improvement of the dispositions, as well of the Protestant as of the Roman Catholic; our intercourse would be more unreserved, more social, more cordial, and more confidential, if the Roman Catholic avowed the faith of his fathers; the Protestant in that state of society, I think, might profess a different creed with Christian humility, and without proclaiming it as the Magna Charta of political ascendancy. If the subject of religion was introduced at all, it would be without exultation on one side, or degradation on the other; if their tenets were then discussed with reference to the pains and penalties that have stained our history, it would, I would hope, lead to a mutual forgiveness of injuries, and invite us to forget them. In the cultivation of benevolent and kindly feelings, if the discussion was a grave, temperate and impartial inquiry, for the attainment of truth and instruction, which in such a case I should think not improbable, but under existing circumstances I consider quite impracticable, I should fear nothing for the Protestant cause from the result.

Do you annex any conditions to the terms upon which those disabilities should be removed, with respect to the security of the Establishment?—I have always considered that subject with reference to the conservation of the Protestant Establishment; and if I could once bring myself to believe that the concession would impair in any degree the securities of that Establishment, I should certainly not be the advocate for it that I am, and have been for years.

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p. 906.

Do you then not consider it as essential to the security of any political establishment, that the person presiding over the state should have a reasonable and effectual controul in all such points as would enable him to secure those rights of which he is the guardian and trustee, and to prevent the appointment of any person to a place of trust and power within the realm, of whose loyalty and fidelity he might entertain a just doubt?—As that question is put, I do not conceive that any man bearing true allegiance to the King and the constitution, can hesitate to answer it in the affirmative. I would not, as an advocate for the concession to the Catholics, yield an inch of ground that would, in my opinion, interfere with the true interests of the Protestant Establishment.

Viewing the tenets and doctrines of the Roman Catholic church as they are now exercised in Ireland, do you not think it is absolutely necessary to the security of the Protestant Establishment, that such distinct and efficient controul in the crown should exist?—My private opinion does not go that length; I know there are many who do entertain it, and if it is put merely as a theoretical proposition, I think it must be acceded to; but I think, in considering that great question, we are bound also to look at the practical results of experience, and not to apprehend unnecessary danger. I am quite aware there are many more intelligent men than myself, who entertain different opinions, but I am an advocate for conceding that measure, without feeling those apprehensions which are, I believe, very honestly and very conscientiously entertained by others.

J. R. BARRY, ESQ.

Lords,
June 3, 1825.
p. 942.

HAVING stated in your evidence before the Committee, that you “conceived, and stated on your oath, with reference to the tranquillity of the country and its prosperity, that the removal of the disqualifications under

which a large proportion of the community at present labours is absolutely essential to the re-establishment of the prosperity of the country;" and that these disqualifications were sensibly felt by every man of the Roman Catholic persuasion, down "to the lowest grade;" you are requested to state further, for the information of the Committee, to what extent your knowledge of the feelings and opinions of the Roman Catholics of Ireland goes; and whether, for yourself, as a Roman Catholic, and for your countrymen of the same persuasion, you are prepared to disclaim, on your oath, the design which has been imputed to you, of desiring emancipation from civil disabilities, principally with a view to ulterior objects affecting the Protestant establishment in church and state; and inform the Committee generally what are your own feelings and opinions on the subject, as well as those of others, to the best of your knowledge and belief?

The peculiar nature of my official duties, as inspector general of fisheries, brings me in contact chiefly with the middle and lower classes of the Roman Catholics in the maritime districts of Cork, Waterford, and Kerry. The circumstance of my being myself a Roman Catholic renders their intercourse with me more free and unreserved than if I were of a different persuasion; my family, my connexions, and those friends with whom I am in the habits of social intercourse, are, with very few exceptions, Roman Catholics. I need scarcely observe to your lordships, that the question of our disqualifications has been one of frequent unrestrained discussion; amongst the upper and middling classes it has excited the most intense anxiety, of which it has always struck me, that the preponderating motives were a hope that the settlement of the question would materially tend to the total extinction of those jealousies and heart-burnings which at present so generally subsist between Protestants and Catholics, and which so seriously

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interrupt the social comforts of life ; 2dly, an expectation that it would unite all parties in a bond of amity, that it would give to all an interest in the promotion of tranquillity, which would be followed by the investment of capital, and, consequently the establishment of prosperity. In the course of my most unreserved and confidential communications with those classes, I most solemnly declare I never met one who expressed, or (I believe) who felt a serious expectation or desire that the removal of our civil disabilities should lead to any ulterior measures, subversive of, or in any way affecting the Protestant establishment in church and state ; and further than that, in common with many of their Protestant brethren (who by-the-by I have always observed to be the more violent on this point,) they have anticipated a modification of the tithe system, and a diminution of that burthen, as likely to arise from the union of all parties, but without the most remote view to any participation, on the part of their own clergy, in the benefits of church property ; on the contrary, I have universally observed, on the part of the most zealous Roman Catholics, a great unwillingness that our clergy should cease to be solely dependent on their flocks for their maintenance, from an apprehension that they might become indolent, and a very decided opinion that their pursuits should be exclusively confined to spiritual matters. Several persons (and I confess that I do agree in opinion with them,) so far from expecting that the measure would tend to the subversion of the Protestant establishment, entertain serious apprehensions that it would be more likely to Protestantize Ireland than the re-enactment of the penal code. The lower classes have in general but a vague and very indistinct idea of the question ; but, as I have stated before, they are all aware of the existence of disqualifications, and exaggerate rather than underrate their effects in their own minds. The conviction of their exclusion, added to the

misery and poverty of their condition, keeps them alienated from the constitution, in a state of constant ferment and irritability, which renders them susceptible of the worst impressions, and prepares their minds for an immediate transition from a state of apparent tranquillity to one of open disturbance. For my own part, I repeat to your lordships, that I view the question of emancipation mainly with reference to the prosperity of the country, to which I conceive it to be essential; but I most solemnly disclaim on my own part, as well as on the part of all those of my communion with whom I have had any intercourse, the most remote ulterior views to the prejudice of the Protestant establishment, which I conceive to be interwoven with and necessary to the well-being of the constitution; and I do declare, on my oath, that if an attempt at the substitution of a Roman Catholic establishment seemed to me a measure likely to result from Catholic emancipation, I would prefer submitting to a perpetuation of our disabilities; I also believe the same sentiments to prevail with the majority of the respectable Roman Catholics of my acquaintance.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

SUPPOSING controversy to take place between Roman Catholics and Protestants in a divided community, does your Grace conceive that the progress of that argument would be more or less favourable to Protestantism, in case there were no political distinctions between the parties, and in case no political disabilities interfered, to prevent the fair and dispassionate effect of reason and inquiry? Certainly more favourable to Protestantism, if those circumstances did not exist.

Would not your Grace feel a sanguine expectation, that if the two parties were allowed to encounter each other with the fair and legitimate weapons of argument

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and of free inquiry, the progress of the reformation in Ireland would be advanced?

Of course that must be my decided opinion.

Then does not your Grace conceive that the civil disabilities to which the Roman Catholics are now subjected, interpose obstacles to that progress of Protestantism to which your Grace has adverted?

Taken exactly in that point of view, they may.

Does not your Grace conceive that civil disabilities on account of religion have the effect, in some minds, of inducing them to adhere to a religion from a point of honour, to which they would not adhere if there was no possibility of imputing interested motives to them in quitting it?—Undoubtedly.

Does your Grace conceive that such motives operate upon the minds of any Roman Catholics, amongst the higher orders in Ireland?

I have heard of cases where they are said to operate so; and I think it very likely that they do in many cases.

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Does not your Grace conceive, that the political considerations which are produced by the civil disabilities to which the Roman Catholics are subject, materially indispose and close their minds against the reasonable conviction which would proceed from arguments of religious inquiry?

I do not think that the tendency of the passions is at all a justification of their indulgence; such things may in one sense be natural, but many natural things it is our duty to restrain; and in a constitution regulated as ours is, on sound and reasonable principles, our progress should be rational.

DANIEL O'CONNEL, ESQ.

Lords,
Mar. 14, 1825.
p. 149.

In what manner would you propose to remove those objections on the part of the opponents of Catholic

emancipation, which you believe to be honourable and conscientious ?

By their inquiring minutely into the facts on which they at present rest their opinions ; by their inquiring of Catholics, who are, like myself, conscientiously convinced of the truth of the Catholic religion ; making, as I before said, a kind of rebate for any particular political position ; consulting the Catholic prelates upon their oaths ; inquiring into our habits, political and religious ; and I am quite convinced, that that being done in the spirit in which, if it be done at all, I am sure it will, those persons would either arrive at the conclusion, that their opinions were grounded on facts that did not support the opinions, or would, on the other hand, arrive at a certainty of facts, which if they existed against us, would confirm them in their present opinions ; and I do declare, that if we were excluded in that way, by facts against us, my own anxieties on the subject would be at an end, and I would submit to the justice of such an exclusion.

Lords,
Mar. 11, 1825.
p. 150.

What are the facts upon which the conscientious opponents of the claims of further privileges to the Catholics rest, and upon which you think, if better informed, they would withdraw their opposition ?

We understand that some extremely high names, and there cannot be higher possibly than some of them, rest their opposition on the danger of the re-assumption of the forfeited estates. There were opinions published of persons of rank and weight, that the Catholics, if admitted to the administration of justice, would not do equal justice to Protestants as well as Catholics ; opinions that Catholics looked for the establishment of their church, in the room of the present established church ; that they looked for a transfer of the ecclesiastical property ; that they looked for the means of oppressing the Protestants of Ireland, and obtaining a Catholic ascendancy in the room of the Protestants.

These appear to me, from my present recollection, to be the facts upon which it seems that there is a conscientious objection to the admission of the Catholics; and I should wish to say, that if they were founded, or any of them founded, I should certainly admit them to be most valid objections to Catholic emancipation. I know that there is not the least danger of the re-assumption of forfeited estates. The forfeited estates are of two natures: estates which belonged to the church, when it was a Roman Catholic church, and estates which belonged to individuals who were Catholics, and who forfeited. Now I know that in practice, the more recent forfeitures, which would be of course the most exposed to danger of re-assumption, are considered now the best titles to be purchased by Catholics. I know that there is an impossibility at present, in tracing out the persons who, if there were a re-assumption, would have what would be considered legitimate title to those forfeited estates, even the most recent, or so great a difficulty, as to amount in any one case in my judgment, to an impossibility; but take three or four or five cases; I would venture to assert, and I do assert it, to amount to an impossibility. The forfeited estates are now constituted the properties of the Roman Catholics. I do not know a Roman Catholic who ever purchased any thing but a portion of a forfeited estate, forfeited either by the church, or by private individuals; so that I can state with confidence to the Committee, that all the estates the Catholics have purchased since 1778, have been forfeited estates. Then the Catholics have a number of leases for lives, renewable for ever; and leases of lives and valuable terms of years; all that I know, and I believe the proposition may be stated universally, are upon forfeited estates. Of course, if there was a re-assumption the Catholics would lose those. In my own individual instance, if I may be permitted to say it, I have but one small property that was not forfeited; the rest, which

although comparatively trivial, is of course of great importance to me, is either forfeited by individuals, or forfeited by the church, for I have both. The property I allude to, as forfeited by the church, belonged to the priory of the canons regular of St. Austin, in the barony of Iveragh; the parish which is still called the priory parish. The word forfeiture certainly is not an applicable term, but the term of re-assumption would apply to both; it was a confiscation. All the property of both of my brothers, and they are each of them quite independent, is forfeited estates, if I may use the expression, of one or the other kind^o; for my youngest brother, before I came here, completed a purchase of a fee simple estate, of about 700*l.* a year, that was forfeited by a colonel Roger M'Killigut, at the Usurpation; it appearing by the patent of the person who passed the patent of the family of Morris, that it had been so forfeited, styled in the book of distributions, an Irish papist. My other brother has one estate that produces him 1,000*l.* a year at present, and being set on determinable leases, the reversion is very valuable. That was the estate of the abbey of O'Dorney, called in the ancient records, the abbey of Kyrie Elison; it was a mitred abbacy, and the abbot was a lord of Parliament. I mention these individual instances, to show that the Catholic gentry are all interested in maintaining the present system of property; that the Catholic farmers are all interested in maintaining the present state of property that is derived under the acts of settlement, and those patents; and I would venture to assert, that there is nothing that would be so likely to create a civil war in Ireland among the Roman Catholics, as any attempt to alter the acts of settlement, or look for the old heirs or successors to those properties; all the intelligence of the Catholics of the country, all its moral vigour, would certainly take as strong a part as prudence and conscience permitted them, to oppose such an alteration.

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The second branch of the objection was on the ground of the Catholics looking to the re-establishment of the Catholic church, in room of the Protestant church?

I know, from my own knowledge, having been conversant for twenty-one years with those who have taken an active part for Catholic emancipation; having heard them, not only in public, where sentiments may be feigned, but in private, in the privacy of domestic and gentlemanly intercourse, where no sentiment would be concealed, for there would be no motive to conceal it; I can state, under the solemn sanction under which I am speaking, that I never heard one sentiment from Catholic laymen or clergymen upon that subject, but of decided hostility to any such measure; and that the Catholics would accept of emancipation with the same gratitude that they would take it without the provision which I am now going to state, coupled with a proviso, that it should be utterly void, and that the entire penal code should be re-enacted, the moment any such claim to the transfer of church property from the Protestant church to the Catholic, was made by any considerable portion of the Catholic people; we would most readily make that the charter or condition enacted by the Protestant Parliament, of the equalization of our civil rights, and restore the entire penal code whenever any thing of that kind was proposed. Being bound to answer the question, we are convinced, that for particular purposes, the wealth of the clergy is not desirable; and as Catholics, as far as religion influences us, we are therefore against our clergy being rich; as citizens of the state, we do not well understand the value of it; and as citizens of the state, as far as we understand the value of it, we are decidedly opposed to the transfer; that could only take place through tumult and riot, and insurrection, and brute force, in which life ceases to be valuable to men of any religion.

Will you explain whether there is any ground for

supposing they would wish to transfer the tithes now received by the Protestant clergy, to the Catholic clergy?—I mean to include the tithes in my former answer. There is no species of property that there would be so much opposition by the Catholics to the transfer of, as the tithes. Ireland is at present almost solely an agricultural country, and therefore the tithes bear heavily on a country that is solely agricultural; they bear universally on the people, and they are, I would say, odious both to Catholic and Protestant in Ireland, and we would revolt extremely at the idea of our clergy getting any share of them.

The next portion of your answer referred to the idea of their looking to a Catholic ascendancy?

I beg to state the grounds of my knowledge. I know there is a very warm and cordial feeling in the minds of the Catholics towards all Protestants in Ireland, who are what we call liberal Protestants, a sense of friendship and patronage, as we may consider it towards us; and, from the present state of society and of education, we are quite convinced, that an ascendancy coupled with the state, and governing and oppressing any proportion, as ascendancy must, other fellow-Christians, would be derogatory to our safety as citizens. and injurious to our religion. I am of opinion, that the Roman Catholics are made more zealous in the profession and practice of their religion, by there being a Protestant ascendancy in Ireland; and I take it for granted, it would have precisely the same effect on Protestants, if the Catholics had the ascendancy. Men who suffer for any persuasion, become, I fancy, more attached to it, especially when their suffering does not extend to any thing like utter extermination, but is an inconvenience to be boasted of, as this practically would be, to a certain extent.

The next opinion you referred to was, that Roman

Catholic judges could not do equal justice to Catholics and Protestants?—As to meeting that, I am really convinced such a danger does not exist. I am bound, however unpleasantly, to speak of myself, who, upon the subject of reform and other things, may not be well thought of at any time by the existing governing power. I am perfectly well able to say, there is no such danger. Roman Catholics, as they get into business, are constantly employed between Catholics and Protestants as arbitrators. I myself am very frequently arbitrator. I have been arbitrator twice between clergymen of the Established Church and Catholics. The Reverend Mr. Graves, of the county of Limerick, had a suit with a Catholic, respecting accounts, coupled with a right to tithes; the Catholic appointed me as arbitrator, and the clergyman appointed another gentleman, who was my junior. The award was mine; and I claim no merit at all, of course, from having made an award in favour of Mr. Graves; I would have felt most painfully the least idea that I had any merit in making that award. The Reverend Mr. Miller, I recollect, of the county of Clare, a Protestant clergyman, appointed me an arbitrator between him and a Catholic; and I made an award which was so unsatisfactory to the Catholic, that he made an application, or was about to make an application, to set it aside, as being against the merits. Every Roman Catholic barrister feels, that he would have no merit at all in that. Then if Roman Catholics be taunted, so far as to have a justifiable suspicion that they would not administer justice fairly to Protestants, that would re-act and create a suspicion that Protestants would not do justice to Roman Catholics; if it be in human nature that we should be influenced by our religion against our duties and our oaths, the same must operate against the Protestant judges.

The judges being removable on the address of both

Houses of Parliament, would not a Catholic judge have a motive of interest, as well as of honour and duty, in administering justice in the most honest and impartial manner?—He certainly would; and as it is religion which is supposed to influence him, in doing injustice it seems a strange anomaly to use religion; for it is impossible. If he be a religious Catholic, that is a man who is attached to his religion, as such, he will revere the sanctity of his oath, and the greater obligation, if possible, of the duties of his station; if he be not a religious Catholic, he has not the powerful influence to make him do injustice for the sake of that religion which he does not venerate or revere; and then the Crown being the source of all appointments, would certainly be very ill-advised if it appointed a Roman Catholic, from whom there was any such danger. I should therefore venture to assert, that the danger in question cannot possibly follow; and in the instances where Roman Catholics were judges, the last Roman Catholic judge who sat was a Judge Daly; and history tells of him, that no man could have conducted himself with more impartiality than he did, even during the reign of James the Second in Ireland.

COL JOHN IRWIN.

You stated, that the Catholics in your neighbourhood have been acquiring property?—Yes.

Have they been making purchases?—A few have.

Do you conceive, that the acquisition of property by Catholics is going on in any other part of Ireland, as well as in Sligo?—I suppose so.

Have you ever heard any single case, in which an objection has been made by Catholic purchasers, to purchasing estates under forfeited titles?—No, I have not.

Has not a great part of the land in Ireland been for-

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feited at one time or other?—Yes; I conceive it must have been. In my own county, there is but a small proportion of property in the county, that has not been either forfeited, or religious land sequestered.

Therefore, where that is the case, you have very little choice in making purchases?

Of course; I do not think there are above three properties in the county, that have not been forfeited.

Do you think that those who do make such purchases, or sell such estates, know the persons who originally forfeited those estates?

I do not know that they exactly do; a gentleman resident in the country might know it, if he took the pains or trouble to inquire. I hear a good deal, being in the habit of riding without a servant, and getting into conversation with the people; and I do know several families who still hold forth claims to properties. It is very recently, that a man overtaking me, I got into conversation with him; he told me of a family that I know, who live not far from me, who could advance a claim to some of your noble chairman's property, lord Palmerston.

Do you know to what family your own estate belonged, before the forfeiture?

Yes; as far as I have taken the trouble to inquire, the immediate place that I reside at belonged to a family of the name of M'Sweeny, and there are some of that family now residing on the next denomination of ground to me; part of the same estate originally. Of another denomination, I have recently discovered the claimant, as I conceive. Some years ago, when I let it to a respectable farmer, this man made himself troublesome; he was residing as a cottager, and I had a very great difficulty in getting him out. I had reason, within the last eight or ten years, to examine into the title, and I found that the person who forfeited was of the

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same name with the individual I found such difficulty in evicting ; and he has merely gone into the next town-land, not my estate, where he now resides.

Are you of opinion, that the Roman Catholics who claim properties which have been forfeited, retain their desire to recover those properties, as a fixed governing principle of conduct?—No ; I will not say as a fixed governing principle of conduct ; I will not go to that extent ; but that, if there was such a convulsion as gave them any hopes of success, I do not hesitate to say, because I believe it, that they would come forward and claim.

How do you know that they look to the Protestant property?—I will give a very strong instance of it. A gentleman descended from a family that once possessed a great part of one barony in our county, and a large estate in an adjoining county. (His ancestor left the country about the time of the treaty of Limerick, and entered into the Austrian service, and settled in those dominions.) About 1788 or 1790, he returned, and took possession of his patrimonial property ; he was received very cordially by the gentlemen of the county. I know, from my own observation, both the grand juries of Mayo and Sligo promoted his views and wishes, for laying out a new line of road ; it was run through his estate. There had been a portion of the family estate left, as I have always understood, to his ancestors, in consequence of a female of the family having been with child at the time of the forfeiture. As soon as the French landed, he raised a corps of 2,000 men, joined the French, took possession of a gentleman's house and property adjoining, which he alleged had been the property of his ancestor, adhered to the French, was taken in arms at the battle of Ballinamuck, convicted, and executed ; that is a matter of public notoriety ; it was in 1798.

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Have you any other instances of a similar nature since?—I could mention some, if it is not taking up the time of the Committee. There was a person near me who was a labourer, and worked in my garden, who at that time joined the French ; and he, as I was satisfied from information I received, and as he partly admitted or acquiesced in, fought a battle with another person of his name, for the lands on which I reside. He claimed them as descended from the family whom Oliver Cromwell dispossessed of them. I meet him frequently, and sometimes have joked him upon the subject ; but whether he keeps up the same recollection, I cannot tell ; I conceive he does.

Did he tell it to you yourself ?

He did not ; but when I taxed him with it particularly, he said those who told me were endeavouring to set me against him, by telling stories of him. I then said to him, that the same person told me, who told me likewise, that he and his brother had concealed themselves in Greer's pigstye, and thereby saved their lives, at the battle of Enniscrone. " Ah, sir," said he, " did he tell you that ? " That exclamation satisfied me there was some truth in it.

Is there is any other instance you can state ?

There is. The first man who was my private tutor, when I was a boy of ten years old, was a Roman Catholic ; my father, at that time, had the accommodation of a house belonging to a nobleman of great rank, and in walking about the groves, that man has often said to me, " I ought to be in possession of these walks that we are now amusing ourselves in ; and within these two years that same individual, (he is now, I understand, dead), but with one foot then in the grave, told me the same thing ; and I suppose it was not to me alone that he told it ; he most likely has told it to his son. I only tell the Committee what is the feeling.

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Does your Grace conceive that the repeal of the disqualifying laws to which Roman Catholics are at present subject in Ireland, would have any tendency to diminish the religious violence which exists between parties at the present moment?—It might diminish on the part of the Roman Catholics, the violent exertions that are making, because a part of their object would be attained.

Comm.
June 7, 1824.
p. 796.

Do you then think that they have any object in view, except to obtain an equalization of civil rights and privileges?—My own opinion, to which I do not attach value beyond that of opinion merely; but my own opinion is, that they do look to objects much beyond those particular ones which have been lately professed to be sought after.

To what objects does your Grace allude?

To the establishing the Roman Catholic religion, as the religion of the country.

Does your Grace mean the establishment of the Roman Catholic religion upon the ruins of the Protestant church?—Yes.

Does your Grace conceive, that the Protestant church in Ireland is at the present moment in any danger, either from the Roman Catholics, or from any other cause?

I certainly must think it in danger while there is so violent an opposition made to its existence.

Does that danger which your Grace contemplates, proceed exclusively, or for the most part from the Roman Catholics?—I apprehend no danger but from the Roman Catholics.

In what respect does your Grace conceive that danger, at the present moment to exist?

I conceive there have been manifestations in Ireland of the operation of that sort of system which formerly belonged avowedly to that church, and which placed every other profession of religion that came in contact

with it in danger. I think the Roman Catholic religion, according to its established system, is a religion demanding supremacy, and generally exercising usurpation.

The answer your Grace has given refers to the supposed wishes of the Roman Catholics; but how do those wishes, supposing them to exist, produce any danger at the present moment to the Established Church.

I think where the degree of intimidation which is brought forward has a powerful effect on the whole body of the community, so as even to influence persons who have intimate connexion with the state, the Established Church may well have some apprehension. I conceive the argument of numbers has been the argument principally urged of late, not arguments in defence of the principles of the religion. The chief argument has been that of numbers.

Does your Grace conceive that that argument of numbers would be augmented, in case the civil disabilities were removed.

Numbers of course must be formidable; but numbers in themselves, if they were not connected with principles tending to bring those numbers into powerful operation, would not be so much to be apprehended. It is the manifestation of the spirit acting upon the Roman Catholic body at present in Ireland, which is so alarming; and that manifestation is principally made by a perpetual display of the power of the body, as a reason why it should not be resisted.

I think there has been plain evidence of their intentions respecting the establishment already. There has been an open denial of the validity of the King's appointment, so far as his power with respect to ecclesiastical concerns is involved. Every functionary of the church in Ireland has been already displaced from his situation. He is not the bishop of this diocese; he is not the rector of that parish; he is the Protestant bishop, the Pro-

Lords,
April 29, 1825.
p. 652.

p. 653.

testant rector ; that is, in other words, as it is intended, the titular bishop or rector ; but the real bishop or rector, the bishop or rector *de jure*, and who as soon as possible is to be made so *de facto*, is the Roman Catholic, the member of the only true church. Thus it is that Roman Catholics in Ireland familiarly speak, and are taught to speak upon this subject ; and thus it is that persons of the highest authority in that body, deliberately write, and openly pronounce. These circumstances I mention to your lordships, merely as justifying what I have stated with regard to the confident expectations and the eager anticipations (not to be restrained even for a time, by common prudence) of persons, who feel that they have a certain power in their hands, which they are eager to bring into operation ; other effects of which, as regarding the establishment, their confidence of success leads them to speak of, as already attained. Indeed, their intentions with regard to the establishment, have been so openly and confidently avowed, that it would be quite idle to make any observations in the way of confirmation upon the subject. And these have not been merely expressed in moments of heat, and in the conflict of public discussion, by which, after all, the true disposition is plainly manifested ; but they have been given deliberately and formally, by the most influential persons of the body, and in a manner studiously calculated to excite the Roman Catholic population of Ireland to great eagerness and violence upon those subjects. As to the influence which a certain portion of the Catholic community introduced into the legislature might have on its proceedings, I can form, of course, no definite judgment. But I can conceive that there may be some mode of managing such things, that might make it extremely difficult even for a very firm government to maintain the establishment in Ireland against the union of parliamentary strength,

with the overbearing influence of the people strongly excited.

General Observations.

The "Catholic question" as it is called, resolves itself into two parts, the question of right and the question of expediency. Are the Roman Catholics, of right admissible to offices from which they are by the laws excluded? Is it expedient for the state to repeal those laws by which Roman Catholics are made to labour under civil disabilities? In support of the claim of right which the Roman Catholics have set up, the state is reminded, that they have disclaimed all those doctrines and opinions which might justify their exclusion from office; and it is contended, that it is by no means just or reasonable, to visit on the present race of men the consequence of tenets which may have been held in former days, but which are now abjured or explained away. Against this argument, enforced as it is by the unreserved declaration of almost all the Roman Catholic witnesses, it is objected, that those who honestly disclaim the offensive tenets imputed to the Church of Rome, manifest rather their ignorance of the principles of that church, than their freedom from any influence which would render them unfit legislators for a Protestant country. The objection may be briefly stated in the following manner:—The Roman Catholic bishops declare, that the creed received by all members of their church, is that of Pope Pius the Fourth. In that creed, one article is a promise of true obedience to the Pope; and one, a profession of receiving without any doubt whatever has been decreed, declared and defined in the sacred canons and general councils. In papal bulls and general councils received by the Roman Catholic church in Ireland, doctrines and principles are asserted which, if carried into practice, would be treason against the state; and it is contended, that those persons, who, by receiving the creed of Pius the Fourth, have declared their assent to those objectionable tenets which it recognizes, however they may be entitled to toleration, are certainly not worthy of being legislators for the people of Great Britain. To this objection the Roman Catholics have one reply;—they do not believe these odious doctrines, and they have on oath disclaimed them. It is impossible not to feel something like pity for the delusion which causes the lay gentry of the church of Rome in Ireland to think such a reply reasonable or just. That they should think so leads to but one conclusion;—namely, that they will not exercise their own judgments in examining the doctrines of their church; and if, in matters where conscience and honour are so vitally concerned, the Roman Catholic gentry in Ireland

permit their priests to act for them, what assurance has the state, that they shall blindly submit themselves to an authority which compromises their dignity, and renders their honesty suspected, and retards their advancement, only so long as they are seeking power, and that as soon as they have obtained their object, they will begin to think for themselves. In a word, the opponents of "emancipation" insist, that if the Roman Catholics are aware of the doctrines to which, in the creed of Pius the Fourth, they have pledged themselves, they were perjurers when they disclaimed them, and if they are ignorant of what they have professed, they are, at least, guilty of yielding their reasons and consciences to a controul, which must render their promises of allegiance to the state by no means satisfactory.

The next argument relied on by the advocates of the Roman Catholic claims is, that it is expedient to grant them—concession will lead to conversions from the church of Rome, and it will conciliate the affections of the Irish people. The Roman Catholics in Ireland, it is contended, have not imbibed the spirit of their creeds, but are kept in external communion with their church by the civil disabilities under which they labour; if the repulsive influence of these unwise disabilities be removed, it will soon be found, that the laws of nature and of reason shall resume their power, and that the church of Rome will be altered or deserted. At present, it is said, Roman Catholics will not examine into the grounds of their belief, their sense of the injustice of the law produces an effect upon them which could not be operated by the influence of their church, and they are willing to remain in ignorance of all religious truth, rather than engage in inquiries which might end in their making such a choice as would be dishonourable in the eyes of their friends, and acceptable to a government which they consider oppressive. On the other hand, it is contested, that the entire merit of this argument rests upon the propriety of the assumption, that the laws by which Roman Catholics are excluded from office are unjust; and that the argument defeats itself, by supposing that class of persons under the influence of such external controul, or of minds so ill-affected, as that they will not inquire into the grounds of those civil disabilities to which they have been made subject. It is contended, that, if the Roman Catholics will not now make the inquiries, which it is the bounden duty of subjects to make, namely, whether the laws by which they feel aggrieved, were justly enacted, their determination must proceed from a blind obedience to their priests, or a blind hostility to the British government, and that men influenced by so unworthy principles ought not to be legislators. If Dr. Doyle could discover, in the political principles of the Roman Catholics, at one period, something which not only justified but demanded

laws of exclusion, there is at least reasonable ground of doubt, whether a similar necessity for the continuance of these laws may not be found, at the present day, in the principles of his church; and it is not perhaps unwise to conclude, that Roman Catholics, whom such doubts will not influence to make proper inquiries, are not very likely to exercise their reason aright when they have awed the state into submission. As to the second part of the argument—the likelihood of conversions from the church of Rome, when the civil disabilities are removed, it is probable that a few of the Roman Catholic gentry would avail themselves of the power to withdraw from their church without having their motives misrepresented, but the great mass of the members of that church would be affected in a very different manner; and who can say, that the loss of a few conscientious men would not be amply compensated by an increase in the number of those who are held in external communion by ties of personal or political interest.

It is worthy of remark, that while the certainty of conversions from the church of Rome is urged as an argument in favour of political concession, the same measure is advocated and sometimes by the same persons, on principles which, if they be correctly stated, would render such conversions unlikely, and it might almost be said, undesirable; Mr. Canning argues that the church of Rome so closely resembles the church of England, as that exclusion of members of the former from place and power is quite unnatural. The following extracts are from reports of the Right Hon. Secretary's very eloquent speech on the second reading of the Roman Catholic Relief Bill in the year 1825:

“ Now what is it we object to in Catholic belief? One doctrine is that of transubstantiation; God forbid that within these walls, and before this assembly, I should enter into any discussion upon articles of Christian faith. What, in taking the oaths at this table, is the great source of division and cause of dissatisfaction to the Catholics? is it not the oath against transubstantiation? Yet do we not admit into our religious creed, that other doctrine consubstantiation, which, if any one read Luther's polemical discourse on the subject, he will perceive to bear so strong an affinity or relationship to the former, as not to be able to ascertain very easily their discrepancy or difference.”

“ When we make it a prominent charge against the Catholic church, that they are exclusive, let us not forget the Athanasian Creed, which says, after enumerating the sublime mysteries of our religion, that ‘ the man that does not believe them shall be damned.’ For that church to say that the Catholic church is exclusive, amounts to an absurdity from which the understanding recoils, and which nothing but prejudice can ac-

count for. Much stress has been laid on the admission by the Catholic of the doctrine of absolution ; but from the evidence given upon this subject, it is clear that absolution is only granted on condition of reparation for the offence, and living for the future in peace and good fellowship with those offended."

The Editor does not mean to insist on the importance of rectifying the mistakes into which the right hon. secretary has been betrayed with respect to the doctrines of the church of England, and its resemblance to the church of Rome. He will not occupy his reader's time in proving that the church of England does not hold the doctrine of consubstantiation, nor the more odious doctrine of exclusive salvation, and he does not think it necessary to remind him that the church of Rome *absolves the dead*, and pronounces an anathema, not against those merely who do not receive the doctrine of the Trinity, but against all who will not blindly obey the Pope, against all who will not "undoubtedly receive" the most abominable doctrines declared in the councils of Lateran or Constance. Upon points like these the Editor will not insist ; but he cannot avoid observing, that if, either through carelessness, or because it is the truth, candidates for the representation of counties in Ireland, agree with the eloquent secretary, in thinking the church of Rome so closely allied to the church of England, they will find it difficult to reply to the demands of the priest whose vote and influence they solicit, when he requires that they withdraw themselves from communion with a heretical church. "I love you well," he may say, "but I love my Catholic subject better ; be converted and you shall have my support ; remain in your errors, and you shall not represent my people." If the candidate feel so little repugnance to the doctrines of the church of Rome, why should he not conform ; and is it to be supposed, that, if Roman Catholics are admissible into Parliament, the priesthood of the church of Rome will not put the complaisance of candidates dependant upon their interest, to the trial ? It is their duty to make protelytes, and what-proselytes could be so desirable as members of the House of Commons ?

Against the second argument, that concession to the Roman Catholics would tranquillize and conciliate Ireland, it is contended, that the causes of disorder have been altogether distinct from the civil disabilities by which the Roman Catholic gentry are affected, and that the removal of these disabilities, while it had no beneficial effect on the condition and character of the peasantry, would make them more formidable instruments in the hands of ill-inclined men than they are at present found to be. It is said, that if the peasantry can be excited by a foreign interest (the concerns of their gentry) they must be much more strongly affected by what immediately regards themselves ;

and that if they expose themselves to every species of danger, through an anxiety that a gentleman whom they may never know, shall be rendered admissible to the honour of a seat in Parliament, it is natural to suppose, that they will exert themselves much more strongly to instal their sons or brothers in the dignities of the established church. This consideration may be stated in the words of a witness whose accuracy of observation and expression leave nothing to be desired in the account of any topic to which his evidence has extended.

J. L. FOSTER, ESQ.

Lords,
Feb. 23. 1825.

I THINK that the mere population of the country do not connect the notion of equality of civil rights with what they call Catholic Emancipation; I think their view of that question is quite a different one.

What is their view?—They see their own church, which they consider to be the only true one, and with whose prosperity and glory they identify themselves, in an inferior situation; they see a church, which they consider a heretical and intrusive one, having the pre-eminence. I think their notion of “Catholic Emancipation” really is, that their church shall be uppermost, and the opposite church is to take its place; that the Protestants and Catholics are to change places.

Such, it is said, are the notions entertained by the Roman Catholic peasantry, and such are the hopes which it is considered natural to suppose they must cherish. Indeed, regarded in any other light, “Emancipation” would be no boon to them; but taken in connection with the establishment and exaltation of their church, it would be received as the greatest benefit that could be conferred upon them, raising at once those relatives in whom all their pride is centered, to high station and emolument. It is also contended, that the allegations of the Roman Catholic witnesses before the Parliamentary committees, are to be received with caution, and under some restrictions, inasmuch as certain witnesses who on their examination declared that “Emancipation” would effectually conciliate the Irish people, had previously, in their harangues and writings, spoken of that concession as only a preliminary to more important measures; and it is urged, that it is not easy to credit the assertions of such men, when they say that the Irish peasant is so free from the infirmities and aspirations incident to human

nature, as that, although he will expose himself to the penalty of a traitor's death, in order to obtain for Mr. O'Connell or Mr. Shiel a seat in Parliament or on the Bench, he is altogether opposed to any such project or arrangement as would give to his own child, the wealth and station of the "Protestant Archbishop of Dublin."

Mr. O'Connell, in order to remove the apprehensions of conscientious men, declares, that he never heard a desire expressed of transferring to the Roman Catholic priesthood the revenues of the Protestant church, and that unqualified Emancipation would not be more gratefully accepted, than concessions accompanied by a proviso, that whenever any considerable portion of the Roman Catholics demanded a transfer of church property, the entire penal code should be re-enacted. He did not state to the *Parliamentary Committees* that England dare not enact it; the value which ought to be attached to so chimerical a proviso may be understood, however, by the repeated declarations made not long since at the "Catholic Association," that a sanguinary rebellion would be the result of any attempt made by the British government to re-enact even a portion of the penal code. So much for the proviso. With respect to the disclaimer, the reader will find much important matter in the Second part of this Work*: here it is necessary only to compare Mr. O'Connell's statement with a few short extracts from evidence indirectly connected with the subject on which his testimony was delivered.

The reader will recollect, that in the year 1824 a bill was brought into Parliament for the purpose of giving Roman Catholic priests; under certain conditions, permission to read their burial service in Protestant places of interment. This bill, which appears calculated to afford high satisfaction, has, as Dr. Doyle declares, "remained a dead letter," because the priests would not condescend to comply with its provisions by asking of the Protestant clergyman permission to perform the burial service in his church-yard. The nature of the objection on the part of the Roman Catholic priests is thus explained:—

RIGHT REV. J. DOYLE, D.D.

THE Catholic priest conceives, that upon giving notice to the sexton or person having charge of the burial ground, that a corpse was to be interred, he ought to have a right to go there and perform such service; and he does consider, that his being obliged to make appli-

Comm.
Mar. 16, 1825.
Report, p. 181.

* Chap. viii. vol. 2. *

cation for leave to the Protestant rector to perform the funeral service, and to have the Protestant rector fix the time when such service can be performed, the priest does conceive this to be an act of submission upon his part, from which his feelings recoil.

REV. THOMAS COSTELLO.

Comm.
April 18, 1825.
Report, p. 423.

BEFORE the [*Burial-ground*] Bill passed, what was the feeling of the Roman Catholic clergy?—The Roman Catholic clergy before that bill passed, sometimes performed the ceremony without interruption, and sometimes they omitted it, through a feeling that the law was against them; since that bill passed, I conceived that the law was so very particular in pointing out a mode to which I could not have recourse, that I abstained from it.

Does not the permission which is granted in that bill for a Catholic to be buried in the church-yard, appear more to be a permission to enter a place that belongs to a Protestant clergyman, than a permission to perform rites or ceremonies peculiar to the Catholic church?—They are so interwoven with each other, the religious ceremony and the right of entering, that a clergyman will not apply for it.

p. 424.

If a clergyman gave permission to a priest, without the priest having asked the clergyman, would the priest, in such case, avail himself of that permission?—If the law of the land did not authorize him, I do not think he would.

You are aware that a Protestant clergyman of a neighbouring parish could not enter the church-yard of another, without his leave?—I believe that to be the case, but I have not examined that question.

It is very remarkable that among the various reasons assigned for the conduct of the Roman Catholic clergy, in refusing to avail themselves of the privilege secured to them by the Burial Ground Act, it was not once asserted, that to comply with it

would violate any rule or principle of the church of Rome. If such a consequence arose out of compliance, it would be easy to understand why the Roman Catholic clergy throughout Ireland acted with such an appearance of concert, in converting an Act of Parliament intended for their benefit into a dead letter, as it is termed by Dr. Doyle. No such consequence however is even once alluded to; no law, no rule, no principle is named which forbids a clergyman of the church of Rome to request permission to enter a Protestant burying ground—the property of the recognised rector of the parish. What is then the reason assigned for the resolution not to ask such permission? Dr. Doyle declares that “*it arises from feeling,*” “because the Catholic priest conceives that he ought to have a right, &c.,” and the priests of the church of Rome in Ireland are so disposed, from nature or from education, as that they, one and all, entertain a feeling and imagine a right which no other class of His Majesty’s subjects can allow to be reasonable or just. The case is simply this: an Act of Parliament, by which Roman Catholic priests were subject to certain penalties for reading their burial service in Protestant church-yards, has been repealed, and the priests may now officiate, provided that they obtain permission from the Protestant rector, not to perform their service, but to perform it in a place which is his property. In this particular, no right of spiritual jurisdiction is asserted by the minister of the church of England; a Protestant clergyman, not incumbent or curate in a parish, must, if he officiate there, submit to the same necessity which is laid on the Roman Catholic priest, and ask permission from the person regularly entitled to grant it. The clergy of the church of Rome in Ireland will not ask this permission, and will not be satisfied with any alteration in the Bill which does not invade the right of private property, by taking from the Protestant rector the dominion over a place, which the law recognises as his proper freehold; and although they will not avail themselves of the Act in their favour, because accompanied with a condition which they dislike, they were in the habit, it is declared, of infringing the laws which were previously in force; so that it was easier to them to violate the law, than to perform an act by which they would recognise the right which has been secured to the Protestant rector. Is it not a rational mode of account for this strange conduct, to say, that the Roman Catholic priests regard the claim of the “Protestant rector” as unjust, and will not perform any act which might be considered inconsistent with pretensions which they hope soon to be able to avow? The editor does not mean to say that this is the proper (but he leaves it to be judged whether it be not a reasonable) explanation of the conduct observed by the Roman Catholic clergy with respect to the Burial Ground Act.

Comm.
p. 182.
Rt. Rev.
J. Doyle, D. D

The disclaimer of any wish to obtain the temporalities of the established church, should next be viewed with reference to the present state of the church of Rome in Ireland. Almost all the Roman Catholic witnesses have complained, that the efficacy of their religious system is impeded by the poverty in which their church at present exists.

MOST REV. P. CURTIS, D. D.

Lords,
Mar. 24, 1825.
Report, p. 410.

p. 411.

SHOULD you think it desirable that any provision should be made by the state towards the maintenance of the Roman Catholic clergy?—Indeed, I believe in general it would be very desirable, if all circumstances would concur and would not be very apt to lead some people to imagine that there was a certain dependence meant to be produced between the clergy and government, and that, either at the beginning or in process of time, government would govern and rule the church, as it does the state; and that paying them, and paying them perhaps at a considerable rate, they would think themselves entitled to the same attention that perhaps Roman Catholic princes do, in Catholic states. I am sure the government of England would never attempt to do more than Roman Catholics do; and sometimes Protestants have concordats with the Pope, and are permitted to do that. And we are often asked, why should not we permit it here? We cannot permit it; surely we are called upon to express what we think of it; and that we are obliged to do candidly. Those, for instance, who govern the foreign state in question, act in that as they do in other things; they are despots, and govern the state despotically; they govern *en militaire*; and we do not think it would be well that either the state or the church should be governed so in England or Ireland, and we would not wish to see that done; but if that were set at rest, and people's minds were convinced there was no fear of that, I fancy that might be very readily done, if not in one or two years in process of time, and perhaps in a year or two. If

I saw there was no attempt made, or would be made, to overturn religion, or impair it, I declare, I believe the people would be very happy ; it would be a very great boon to them ; they are obliged to do things, which they are not able to do ; they distress themselves by doing them. Your Lordships will certainly suppose that the maintenance of a large body of clergy must be a great subsidy. Nor is that all they have to do, that is only the beginning ; they have to build all their chapels, and keep them in order ; they are to supply a great number of other things ; *we have a ritual religion that requires a great deal of expense* ; and we are obliged to maintain and support, and to send to school, and to send abroad, or even at home, their children, to prepare them to be churchmen. At present it is only a boon offered to those who are so ; but to make them so requires several hundred pounds ; where is that to come from ? It may be said, is there not Maynooth for several hundreds ? The number that can be maintained at the college of Maynooth are two hundred ; there are four hundred there, but a great number of them are pensioners ; and even those that are on the foundation, it costs them nearly twenty pounds a year ; there are a number of things not given to them by the college ; all those, then, must come from the poor people, who are not able to do it, and consequently a subsidy would be extremely convenient, if there be not some motive that would withhold the people from wishing it. The people are not convinced of that, I wish they were ; I would be very glad to aid and assist in convincing them of it ; but I cannot think of convincing them of that which I am not well convinced of myself. That I will never do. But I think the thing might be done extremely well, and shews a vast deal of sense in government ; but I hope it will not be taken amiss, if people are a little alarmed ; they have been often promised, and made to hope what was not

fulfilled afterwards, and they are always afraid that that might happen again.

Comm.
p. 198.
Rt. Rev.
J. Doyle, D. D.

Comm.
p. 199.
Rt. Rev.
J. Doyle, D.D.

Comm.
p. 65S.
Most Rev.
D. Murray,
D. D.

The editor will not fatigue the reader by many quotations to the same effect as the above. It has been stated, that the chapels are not sufficient for the accommodation of the Roman Catholic people, or the clergy numerous enough for the efficient discharge of their duties. Dr. Doyle declares, that in his diocese, where the supply of priests is greater than in any other part of Ireland, there are not employed (in consequence of the poverty of the people) more than two-thirds of the number which would be necessary for the due discharge of the priestly functions among the people.

To the same purpose Dr. Murray testifies: "They (*the priests*) are obliged to shorten the time (*in confession*) allotted to each, on account of the great number they have to attend to, and the comparatively small number of the clergy; it would be a very desirable thing that they should be able to allot to each a greater portion of time. An increased number of clergy to attend to the spiritual wants of the people, is a great desideratum with us."

Here, according to the statements made by the Roman Catholic Archbishops of Armagh and Dublin, and of the not less eminent Dr. Doyle, it is shown that the church of Rome in Ireland is not adequately supported. Not only are the people left without sufficient accommodation or instruction in their chapels, but even the rite of confession must be hurriedly and imperfectly performed. Notwithstanding what has been asserted of the great and increasing wealth of the Roman Catholic body, they will not maintain their church themselves; and against any provision to be made, or assistance to be given by the state, both bishops, priests, and laymen, indignantly protest. They will not accept the grant of "Emancipation" if it be accompanied by so sacrilegious a condition. Is this state of things to continue always, or until the Protestant people have been quietly converted? Are the Roman Catholics satisfied to be members of a church, which, so far from having the opportunity of devoting itself to the duty of making proselytes, has not the means of supplying the wants of its own superstitious and uninstructed votaries? Are they, in short, satisfied to leave the peasantry without religious instruction, or do they hope that the government shall at last be constrained to make a provision which it will not be sacrilegious or dishonourable to accept?—In a word, the church of Rome is not supported in Ireland at present in such a manner as to make it an efficacious system of instruction; the individuals in communion with it will not, out of their poverty or their abundance, render it what it ought to be. Are the bishops and priests and gentry of that church indifferent to the

moral welfare of the poor? Can they feel anxious about their church or their people, without experiencing a desire to appropriate the revenues of a "heretical and intrusive church" to a purpose which they have at heart?

The last thing to be considered here, with reference to the disclaimer of any intention hostile to the church establishment, is a statement made by Mr. O'Connell, in his evidence before the Committee of the House of Lords:

"The accumulation of church rates, latterly, especially, is attributed in a very considerable degree, by the peasantry, to the existing penal laws. Since the union there have been two or three statutes passed, that enabled the clergy of the established church, without any reference to the wish of the parishioners, to build churches where there are no Protestant inhabitants."

Lords,
Mar. 11, 1825.
D. O'Connell,
Esq.

"In the county of Kerry, I know parishes where churches have been built for a single individual or two; I know many instances, and that there is one going on at this moment, in the parish of Taghadoo, in the county of Kildare, there is but a single Protestant in the parish, a Mr. Grierson; they are building a church there that, I understand, will cost about a thousand pounds. The Catholics offered to build a dwelling-house for Mr. Grierson."

Comm.
p. 114.
D. O'Connell,
Esq.

Upon these assertions of Mr. O'Connell it is sufficient to observe, that he omitted a very material circumstance; namely, that where a church is built in parishes like those to which he has alluded, the expense of building is defrayed, not by the parish, but by the Board of First Fruits. Where a new church is called for by an act of vestry, the Board of First Fruits lend a sum which is to be repaid without interest, at the rate of four per cent per annum; but where a bishop orders a church for the first time to be built, the Board make a *grant* of the sum which is to be expended in the erection of it. From the silence of Mr. O'Connell as to a specific complaint on the part of the inhabitants of any of those parishes, with the circumstances of which he declares himself acquainted, it may be inferred that no ground of complaint existed. The following extract will serve to show that complaints of this nature are sometimes urged with a too incautious accuracy:

RIGHT HON. LORD CARBERY.

Comm.
May 12, 1825.
p. 612.

Does your Lordship happen to have seen the statement of Mr. Collins, published, with respect to charges imposed upon his parish and the neighbourhood, on account of the building of churches?—I have.

Have you in your recollection the circumstances that were detailed in that statement?—Perfectly; it struck me very forcibly at the time. The letter itself was an odd one. I saw it in a Number of the Southern Reporter, a Cork paper, extracted from a printed document handed about in London by the Reverend Michael Collins, with the testimonial of a very respectable member of the House of Commons of England; and in this he states, that upwards of 3,000*l.* had been levied upon three parishes in the county of Cork, of which he is the parish priest, within ten years, for the building of Protestant churches.

Is your Lordship aware of the circumstances of those parishes to which he referred?—Perfectly; I know them all.

Is that fact correctly stated by Mr. Collins?—As soon as I saw the statement, it struck me as extraordinary, and I took means of inquiring into it. I had all the vestry books of the parishes examined, and obtained from the Board of First Fruits an account of all the grants for churches, gifts or loans, to those parishes. Those are the two forms under which the Board of First Fruits contribute towards the erection of churches; in some instances it is partly both.

Did that information at all establish the facts stated by Mr. Collins?—It did not; it contradicted it directly.

Does your Lordship happen to recollect what was the real amount that had been levied upon those parishes?—The sum paid in the three parishes, within the ten years, was nine hundred and odd pounds.

It was stated by Mr. Collins, that it exceeded 3,000*l.*?—Yes; and the whole sum that can ever be levied for

those churches is only 1500*l.*; for, a great portion of the money required to build them was granted as gift, and where there is a gift from the Board of First Fruits, the parish is never called upon to repay it; it is only where it is given in loan.

Is your Lordship aware what the amount of the grant was?—I can procure an accurate account of it.

*[Paper handed in, by which it appears that the Board of First Fruits had granted a loan of 1300*l.* and a gift of 1500*l.*; and that the amount of sums voted in vestry, for the repayment of the loan, was 961*l.* 1*s.* 3*d.*]*

Such is the reply to a charge deliberately advanced, and widely circulated. Another complaint appears to have been urged with equal distinctness, and is most satisfactorily proved to have been equally unfounded. It is a charge insinuating unworthy motives and imputing improper conduct to a man who has so behaved in his exalted station as to have entitled himself to the nation's gratitude, and to have extorted, even from the most intemperate of political incendiaries, tributes of unwilling admiration—to the archbishop of Tuam. The imputations are, by strong evidence, thrown back on his accusers. It is not, however, in this place necessary to enter into any detail of charges which his Grace the Archbishop has incontrovertibly proved to be false. The object of the Editor is to confine his attention merely to one point, which, alone, Mr. O'Connell may be allowed to have proved; namely, that the Roman Catholics, even the peasantry, have been led to hope, that if the civil disabilities were no longer in operation, and the Imperial Parliament were opened to members of their communion, laws would not be passed so favourable to the church of England as those which have been lately enacted. With the impression of this important acknowledgment on his mind, the reader is requested to refer to the Seventh Chapter of the Second volume of this Work, and to judge whether he can, against the evidence there laid before him, credit the asseverations of Roman Catholics, lay or clerical, that there is not, among some influential members of their body, a design entertained, of employing all the privileges which they may attain, in the effort to rear the fabric of the Church of Rome on the ruins of the Protestant establishment.

CHAP. II.

Claims of the Roman Catholics.

Securities.

IN that Pastoral Address in which Dr. Hussey instructed his clergy, that the church of Rome was suitable to all climes and to all forms of government, despotisms, monarchies or *republics*, he taught them also in what sense their church was to be so regarded; namely, that wherever it had the power, it was to assert its own authority as superior to that of any government with which it became at all connected. It had been a military regulation, that every soldier should attend divine service according to the forms of the Established church; and Dr. Hussey directed that Roman Catholic soldiers should resist the orders of their superior officer, and refuse to enter a Protestant house of prayer. At first view, it appears a very severe law to which military men had sworn obedience, that they should, at their officer's command, enter into a place of worship of which in their conscience they disapproved, and it may in consequence appear a justifiable exercise of authority on the part of a Roman Catholic bishop, to require of "his subjects" that they should in such a particular refuse to commit sin. But however justifiable such an exercise of authority may have been, it proves incontrovertibly one point—that the spiritual and the temporal obedience of a Roman Catholic may be opposed to each other, and that wherever they are so opposed, the spiritual duties are to be preferred. However severe the military discipline may have been, the soldier knew what it was, and promised obedience; but he is taught by the instructions contained in Dr. Hussey's pastoral address, that he must violate the promise he has made, and disobey his commander. The meaning therefore of the assertion, that the church of Rome is suitable to all governments, is no more than this, that all governments should consult with that church, and so frame their laws as not to invade its privileges. The meaning of the assertion, that the duties of temporal and spiritual obedience can never clash, is this, that, wherever the civil or military law invades the privileges which the church of Rome claims as her own, temporal obedience is not a duty.

There is another sense in which these expressions might perhaps be understood, in which they would appear more creditable to the prudence of the church of Rome, than to her candour or good faith. In the reign of James the first, the

English Roman Catholics regularly complied with the laws which required their attendance at divine service according to the form prescribed by the church of England, and their conduct was not condemned by their priests, nor were they publicly commanded to disobey the law. On the contrary, Suarez, who wrote a long treatise in order to prove that the oath of allegiance to the King ought not to be taken by Roman Catholics, wrote also to prove, that they might, without sin, obey the law which required their attendance at the divine service of the established church. By such attendance he states that they did not manifest an acquiescence in the propriety or orthodoxy of the ritual of the church of England, they merely declared their obedience to the law, their submission to a power, which they could not resist; and therefore, although it was desirable that the law requiring their presence should be changed, yet while it remained in force, they might, without sin, obey. Thus, in the time of James I. the spiritual power succumbed to the temporal, and the law was obeyed. At the time when Dr. Hussey issued his pastoral manifesto, it was not very rash to hope that the spiritual authority might prevail. Ireland was ripe for rebellion; a traitorous system was very extensively organized, the army, as Dr. Doyle states, were corrupt, England was embarrassed, and France was powerful and enterprising. At such a time Dr. Hussey asserts the superiority of his church over all temporal governments; and while he instructs his clergy that they are not to mix in politics, inasmuch as whether they are to live in a monarchy or a republic is a question of no moment to their church, he directs them to exact of a disaffected soldiery an obedience by which military authority shall be directly set at naught. Comparing the conduct of Dr. Hussey with the judgment pronounced by Suarez, might it not be said that the spiritual claims do not interfere with the temporal, because they are never openly asserted, unless the priests have hopes that they can overcome the state, and make the temporal pretensions give way? that, in short, these spiritual claims possess spiritual properties, and can accommodate themselves to the condition in which they are to be asserted.

Behold a wonder! They but now who seem'd
In bigness to surpass Earth's giant sons,
Now less than smallest dwarfs, in narrow room
Throng numberless.

But far within
And in their own dimensions, like themselves
The great seraphic lords and cherubim
In close recess and secret conclave sit.

Does not this description of the poet represent, in some sort, the genius of the church of Rome? It can exist "dilated or

condensed," and whether its claims are shrunk into the semblance of "fairy elves," or "collecting all its might, it stands

Like Teneriffe or Atlas unremoved ;"

it still preserves the ambition of universal sway—

"A mind not to be chang'd by time or place."

In admitting a church of such a character to privileges of which it might make a dangerous use, it is natural that a Protestant state should feel some jealousy and alarm ; and in order to remove any apprehensions from the minds of the Protestant people of Great Britain, when it is proposed to relieve the Irish Roman Catholics from the civil disabilities by which they are affected, certain provisions usually accompany the bills for their relief, by which the state may be secured against any improper exercise of the powers which it has been liberal or wise enough to grant. These securities, as far as they formed a subject of inquiry to the Parliamentary committees of 1825, were principally of three kinds :—1st, Oaths ; 2dly, A state provision for the Roman Catholic clergy, and domestic nomination of the bishops of that church ; and, 3dly, The abolition of the forty shilling freeholds.

The first of these securities the Roman Catholics in general profess themselves willing to afford ; and Dr. Murray advances, as "an unanswerable argument" that such oaths should be received as satisfactory, that it is only respect for an oath which constitutes the barrier now existing between the Roman Catholics and the privileges which they claim. It is not at all surprising that men unacquainted with the principles of the church of Rome should make use of such an argument, but it required all the zeal of an advocate to make it seem conclusive in Dr. Murray's eyes. The oaths which Roman Catholics should now take, if they would become Members of the House of Commons, are oaths in which they must abjure tenets, which whosever denies is pronounced accursed, by authorities which no member of the church of Rome can resist or set aside ; it therefore by no means follows, that because a bishop or the Pope cannot connive at a perjury which provokes the direst anathema of the church, he may not allow a much greater latitude in cases where no such heavy censure has been pronounced. Suarez distinctly declares, that although misrepresentations do not in all cases incur the guilt or penalty of falsehood, yet it is on no occasion whatever allowable to deny an article of faith. What then becomes of Dr. Murray's "unanswerable argument"? Roman Catholics are kept in exclusion from the privileges which at present they desire, by three powerful influences :—1st, respect for the sanctity of an oath ; 2dly, reverence for those tenets which by the oaths now to be

taken they must abjure ; 3dly, dread of the excommunication which must follow their sacrilegious offence. For the correctness and conclusiveness of Dr. Murray's argument, it was requisite, that one of these three principles, and that, one which his church holds to be (and teaches its votaries to think) the weakest, should yet be as efficacious a principle of action as the united three. The Editor confines these remarks altogether to the argument on which they are offered, and hopes and expects that they will not be considered as implying the slightest suspicion of the good faith with which the Roman Catholic gentry of Ireland enter into all their engagements.

The second security provided for the church and state, in the Relief Bills of 1825, was an assent on the part of the Roman Catholic bishops and clergy to a proposal that a provision should be secured to them by the law. The principle of this "security" appears to have been, that by increasing the power of the Roman Catholic bishops, the state could deprive them of the will to establish their church. It appears rather inconsistent, that the advocates of "Emancipation" have been continually urging, that the same policy which was to neutralize the energies of the clergy, or at least to repress their ambition, had had a directly contrary effect upon the laity ; and that while they said to the government, "Because you have conceded much to the Roman Catholic people, you must concede all," they should have, at the same moment, insisted on the expediency of making grants to the Roman Catholic clergy, to prevent the necessity of greater concessions. The direct tendency of the proposed measure was to increase the power of the Roman Catholic clergy, and to extend their influence with the people. At present their patronage is considerable ; the peasantry, through their means, hope to procure appointments at Maynooth, and whole families become bound to the bishop, who provides clerical employment for their relatives and friends. It is not unreasonable to suppose, that by the provision which the state was to grant, the clergy of the church of Rome would have gained much more of political power, than they would have lost of spiritual authority. The numerous friends of priests "on the mission," and students in College, and pupils in the schools, would all be retainers of the Roman Catholic bishop, and would not hesitate to accept preferment for their friends, even from the hand which the bribery of the state had polluted. Government might, to be sure, if it found the "Security" to be a battery turned upon itself, retake it from the enemy ; but it would by that time be found, that the regulars of the church of Rome had possessed themselves of the spiritual position from which the secular clergy had departed, and that, in consequence, the state had only procured for itself, by the securities and the repeal of them, a greater number of enemies, and excited a more determined hostility. It is not

intended here to discuss the merits of the question, as to whether it be desirable that a state provision should be made for the Roman Catholic bishops and clergy. The reader will find that security, as well as the security afforded by oaths, examined in the Second part of this Work.

The third security was to be prospective. The Roman Catholic priests were instructed, that whatever they might hope to achieve through the forty shilling freeholders, must be done quickly, inasmuch as the political power of the poorest classes of voters was to expire with its present possessors. The Editor by no means intends to say that the forty shilling freeholders constitute the strength of the priests. He does not undertake to say, whether the influence of the aristocracy and the comforts of the poor may or may not be increased by limiting within narrower bounds the extension of the elective franchise; but he contends, that no security was afforded to either church or state, by a measure which was calculated to increase the violence of present assailants, and which was to deprive only future assailants of a portion of the power to do injury.

A. R. BLAKE, ESQ.

Comm.
Feb. 25, 1823.
p. 40.

Do you think that the settlement of what you call the Roman Catholic question, and the making a provision for the Roman Catholic clergy, such as they would be willing to accept of, would, or would not, be calculated to give additional security to the Protestant establishment in Ireland?—I think that settlement, upon wise and sound principles, would be above all others a measure calculated to give strength to the establishment and repose to the country; I think the present state of the law is obviously erroneous; it is calculated not to secure, but to endanger the establishment; it creates bad feelings, and affords no security against them. The act of 1793 took things at the wrong end; it elevated the lower orders, and left the higher in a state of depression. The security of the Protestants in Ireland is in the strength of property against numbers; what you have done is to grant to the Roman Catholics a privilege in which number tells against property, and to withhold a privilege in which property tells against number; you allow the lowest orders of the people to vote, and you do not

allow the higher orders to sit. I certainly should consider, in the settlement of the Catholic question, if ever it is to be settled, that the qualification for the exercise of the elective franchise in counties ought to be reviewed and altered.

Do you think that a raising of the qualification that should entitle the freeholder to vote, would be calculated to meet the mischief you have adverted to?—I think it would in a very great degree; though I am a Roman Catholic, I speak with a sincere desire that, whenever the Catholic question is settled, the rights of the established church should be secured; and I think they would be secured in proportion as you increased the political power of property, converted public discontent into satisfaction, and engaged the Catholics in the service of the state by adequate honours and rewards. This would attract all the hopes and desires of the Catholics to the state, and would counteract any bias they might have against the church, which is connected with the state by an indissoluble union, and must therefore stand or fall with it.

Comm.
Feb. 25, 1825.
p. 41.

Do you think that raising the qualification for the exercise of the elective franchise, if it was accompanied with the settlement of the great question you allude to, would be very unpopular with the body of Roman Catholics?—My opinion is that it would not; it is possible that against that, as against any thing else, a cry for a moment would be raised, but I do not think that any permanent feeling of discontent would be produced by it.

p. 46.

Have you, in your observations as to the state of the country in Ireland, from what you have yourself seen and learned in communication with others, had any reason to think that the want of a respectable yeomanry is amongst the evils that that country labours under?—I think it is one main cause of the evils that the country labours under; and my notion in recommending a change

in the qualification for the exercise of the elective franchise, is materially influenced by the hope, that it would induce gentlemen who wish to have political influence in Ireland, instead of parcelling out their land amongst a mob of wretched cottiers, to raise up and encourage the growth of a respectable yeomanry in the country.

Are you of opinion that any mischief which might grow from any diminution of the authority of the landlord, that might arise from the improved description of tenantry, and the independence of the tenantry that would be produced by such a measure, would be completely counterbalanced by the benefit that would arise from the establishment of such an independent body in the country?—I think it would, because the power which would exist, would be a power to be exercised by persons having something of a stake in the country, which the mere forty-shilling freeholders have not.

Are you of opinion that it would take them from their subjection to the interference of the clergy, and in the next place give them, as owners of property in the country, an independent personal interest?—My notion is, that if the Catholic question were settled, and the freehold qualification raised, the Roman Catholic clergy would no longer be tempted to exercise political power at elections; or if they were disposed to do so, that they would not have a body upon which they could act, as at present, and that it would induce those gentlemen who wish to have political power through freeholders, to create freeholders of a respectable class, who would be the means of preserving order in the country.

Do you think that such an arrangement would be injurious to those fair interests which the Roman Catholics are entitled to have in the country?—My notion is, that the Roman Catholics ought not to have an interest according to their number, but according to their property; under that impression, I think that it would not injure any power or influence which they ought fairly to

have in the state; coupled, however, with measures which would place them in what I conceive to be the situation and estimation in which their property ought to place them.

From the nature of your view of the state of Ireland, particularly of the Roman Catholics in Ireland, if this Roman Catholic measure were conceded, and were accompanied by a respectable provision for their clergy, and by this measure that has just been mentioned, of raising the qualification of freeholders; and if the laws in that amended state, were fairly and justly applied, so as to give the Roman Catholics a reasonable share of political power and influence in proportion to their property and their claims, do you believe that we should have a reasonable prospect of peace and tranquillity being restored to that country?—I certainly think we should, and for this reason, I do not conceive there is any political curse upon Ireland that is to prevent Ireland from being as happy and peaceable as other countries, if, instead of attempting to fit the people to the constitution, the constitution be fitted to the people.

What effect would such a state of things described in the last question, have upon the connexion between Ireland and Great Britain?—If I did not think that it would have the effect of confirming that connexion, and rendering it, I hope, eternal, I would myself, though a Roman Catholic, be against it; because I do think that the Roman Catholics, in their present state of connexion with England, are much happier and much better off, than they could ever be, separated from England, although they should become the ascendant body, in all respects, in Ireland; they derive advantages from their connexion with England, which Ireland could never afford in a separate state.

Comm.
Feb. 25, 1825.
p. 42.

THE VENERABLE ARCHDEACON TRENCH.

Lords,
May 6, 1825,
p. 131.

Do you consider it expedient to the benefit of Ireland, that the present system of forty shilling freeholders should be abolished?—I speak as to Connaught; and I can pledge myself, upon my oath, that in Connaught the forty shilling freeholder does not regard this franchise one farthing; nay, my lords, if his expenses were not paid to the election town, and to the sessional town for registry, it would be a very great burthen to him. There is another point which I know by experience did exist; when they are to be registered as freeholders, the landlord, or his agent, brings his freeholders into a sessional town, and for fear they should afterwards disobey, he takes his qualification ticket as a Roman Catholic, and he takes his registry ticket as a freeholder, and puts them into his pocket, and there he retains them as pledges of allegiance. I have seen such freeholders in troops going into the county town at the time of an election, with a little man mounted upon a wretched mule, and with a thonged whip, as if in the act of driving them; I do not say that I saw the man strike the poor people.

EARL OF KINGSTON.

May 6, 1825.
p. 700.

Does your Lordship conceive that the desire to give the benefit of the elective franchise to voters has contributed essentially to the subdivision of land?—I think the land is very much subdivided to make voters by middlemen, who hold large quantities of land; but I think the voters they have made, have by no means, if it was tried, a vote at all. A large farm is let to A. on his own life, he lets to B. on another life, therefore that life that he lets on must be contingent to the life he has himself, and I cannot conceive how that can be a freehold, for it is no certainty; and I should think if such

p. 701.

a vote was disputed by a scrutiny before the other House of Parliament, it would not be allowed; it is not generally understood, but I should think it would not be a good vote at all, because it is dependent upon another life, not on the life he himself has. The under-tenant has a lease for an old life; suppose that life in the first lease fell out, though this tenant has a life in his lease that is in being, his lease drops, and the head landlord takes possession of the land; that is the cause of such a multitude of freeholders. I was astonished at hearing it said, that the forty shilling freeholders will be ready to give up their freeholds, as it would be a vast injury to them, inasmuch as no one will let them a lease if the elective franchise is taken from them; that class of persons will never get a lease if deprived of their votes; in towns they will never have a certainty, from one year to another, of their house.

Your Lordship conceives then, that the object in letting a lease of that description is to create such a freehold?—Most decidedly; I know it is so with me; I give them a very good house for a shilling a year, which I would not do unless it was to make them freeholders. I state this to show the very great reluctance which those poor men would have to give up that by which they are benefited, to carry Catholic emancipation, by which the lower classes could not be benefited, in my opinion.

JOHN L. FOSTER, ESQ.

WHAT is your opinion of the effect of the operation of the elective franchise, in respect to 40s. freeholders, since the Act of 1793?—I have no hesitation in saying, (and I never met with any gentleman who would differ from me in private, whatever he might say in public) that, however beautiful in theory it may be to admit persons possessed of 40s. freeholds to a partici-

Lords,
Feb. 25, 1825.

pation in electing their representatives, in practice it tends to any thing but their own freedom, or the assertion of their own privileges; and that it has had the operation of adding very considerably to the number of the existing population in Ireland, and still more to their misery. A more mistaken view of the subject could not be, than to suppose there is any freedom of choice practically existing on the part of those persons. It is a clear addition of weight to the aristocracy, and not to the democracy, in elections. It tends to set aside any real value or importance that the substantial freeholders of fifty or twenty pounds might otherwise have. It bears them down by a herd of people, each of whose votes is of as much consequence as their own, and who are brought in to vote without any option on their own part. The only doubt that ever arises is, whether they are to give their votes according to the orders of their landlord or of their priest. The only parties that ever come into contact, in deciding which way a Roman Catholic 40s. freeholder shall vote, are the landlord and the priest; the tenant in neither case exercises any other choice, than to determine which he will encounter, the punishment he may expect from his landlord in time, or that which he is told awaits him in eternity.

Do you think, from your knowledge of Ireland, the influence of the priest, if generally exerted, would have greater weight than the influence of the landlord?— I have no doubt that the priests could drive the landlords out of the field. I think they have done it wherever they have tried. The consequences are extremely to be deprecated, in reference to the unfortunate tenantry. Subsequent to the election, the landlord necessarily loses the good feeling which otherwise he might have had towards the individual who has deserted him; the rent is called for; and it is in vain for the voter to look to his late advisers for any assistance to meet it. There

have fallen within my own knowledge, frequent instances of the tenants having been destroyed, in consequence of their having voted with their clergy.

Do you think that, with the example of that destruction before their eyes, the tenantry would, on all occasions, be induced to vote at the will of the priest rather than the landlord?—I do not say in all instances; but generally, I am persuaded, their motive is religious enthusiasm. They have been told in terms, that it is a contest between God and their landlords.

Supposing your opinion upon that subject to be correct, will it not follow, that if Catholics were capable of sitting in Parliament, and the franchise was raised to fifty pounds, very few Catholic gentlemen would be likely to be returned to Parliament?—I think, if Catholics were admitted to Parliament, the franchise continuing as at present, a considerable number would be returned. I think, if the franchise were limited to twenty pounds, few would, I think, very few indeed; except by modes different from popular elections.

Supposing the Catholics to be emancipated, and the elective franchise to be raised to twenty pounds, would there not be fewer persons in Parliament for Ireland, depending on Catholic constituents, than there are now?—Probably not half a dozen representatives for Ireland, depending on Roman Catholics. But it may be material to observe, that every thing I have said supposes that the legislature shall not create any franchise intermediate between forty shillings and twenty pounds. If the franchise was raised to five pounds, I am persuaded very many of those unfortunate persons who have sworn to a franchise of forty shillings, would swear to one of five pounds. I do not think they would outrage appearances so far as to swear to one of twenty pounds.

What would you say to raising it to ten pounds?—I would not raise it to ten pounds. I am afraid that

persons of easy conscience would swear to ten pounds. If altered at all, I think it should be to twenty pounds.

Have you formed an opinion, whether the Catholic body are not at present very adverse to any alteration of the elective franchise?—I have no means of estimating their opinion upon it; I dare say they are.

Might it not, in case of any alteration in the amount of the elective franchise, be expedient to discover, if possible, some better mode of ascertaining that the freehold sworn to was of the real value, than by the oath of the individual?—I can hardly imagine any such, if a small amount be contemplated as the measure of the franchise. The number of inquiries that would be incident to such a new system, appears to me to form a very substantial impediment to the arrangement. If the franchise is, on the contrary, high, say at twenty pounds, I should be disposed to trust to the oath of the freeholders *prima facie*, it being always liable to be rebutted by contrary evidence.

Of what class of persons do the twenty-pound freeholders consist?—They are usually persons employed in agriculture, but some of them have their freeholds arising from rent charges. I beg to add, that, generally speaking, I consider the twenty pound freeholders a very respectable and substantial class of yeomanry.

As respectable as in any part of the kingdom?—I have not the means of comparison, but I conceive them to be better than any person who has not seen them would suppose.

Are they a very numerous class of persons?—Yes, there are many hundreds of them in most counties, and their number would rapidly increase, if the franchise were limited to twenty pounds.

Do you not think that a person of that description and that respectability, would be less under the influ-

ence of the priest, than the lower order of freeholder?—
Very much less.

Do you think that a more specific register of the freehold would answer the purpose alluded to by a late question; namely, of correctly ascertaining the value of that freehold which was assumed, to give a certain interest in the land?—It entirely depends upon what is to be the amount of the franchise. If forty shillings, I really see very little use in any form of registry.

Has the Irish landlord any other hold on his tenant, so as to command his vote, except the fear of his refusing him the renewal of his lease?—Yes, the power of destroying him in a moment by demanding the rent in arrear. Almost every forty-shilling freeholder in Ireland, however nominally independent of his landlord, is really and truly at his mercy. He is almost always in arrear for rent, which, if the landlord calls upon him to pay, and he cannot discharge, the landlord may distrain, and there is an end of him.

DANIEL O'CONNELL, ESQ.

Do you think there would be a great objection to raising the qualification to twenty pounds?—I do; I think twenty pounds would be considered much too high, and as excluding so immense a number of the occupiers, that it would create considerable discontent in any way.

Lords,
Mar. 11, 1825.

Do you think you would avoid the evil of perjury by raising it to ten pounds?—Yes, I do; a man who had a ten pound freehold would be known among his neighbours; he would have a character to preserve; and I do not think there would be nearly the same temptation to perjury there is now.

Do you think any voter, really independent, would be disqualified by raising the vote to ten pounds, or even to twenty pounds?—I have no doubt that many voters, really independent, would be disqualified by raising it to twenty pounds; I think very few by raising

it to ten pounds. In talking of derivative rights, very few who vote according to their own wish, would be disqualified in their own counties by raising it to ten pounds. But it is only due to candour to state, that as between Protestant and Catholic, I think the forty shilling freeholders in almost all parts increase the Protestant interest, though mostly Catholics; that they are so much in the power of their Protestant landlords, that a high ascendancy gentleman in the county of Cork would march six hundred voters to an election, to vote, if he pleased, for the grand master of the Orange lodge, in my opinion, and under the guidance of a Roman Catholic magistrate.

Do you think the raising the qualification to ten pounds, would be productive of great benefit to Ireland?—I think it would be productive of benefit. It is, in my humble judgment, no small benefit if you get rid of any portion of perjury; and it is the commencement of what we want so much in Ireland, a substantial yeomanry: at present the population is too much divided between the highest and the very lowest class.

From the great influence on the part of the Catholics, do they not, in point of fact, derive great indirect political influence from the forty shilling freeholder at present?—I confess I think that the forty shilling freeholder who votes against his landlord, is generally ruined by it. There is a heart-rending scene following the election: and, after all, with every political feeling, it is extremely difficult to reconcile oneself to the misery it produces.

But, it being supposed that in insuring an election such interference on the part of the laity and clergy has been effectual; the preponderance of the Catholics being known, will they not, at the next election, use what influence they possess, direct or indirect, in respect of those votes?—I am sure they would at the next election derive greater assistance from their votes, than they have ever done yet, or are likely to do again.

RIGHT HON. DENIS BROWNE.

If the object is, that a man should represent the fair sense of the county, undoubtedly the forty shilling freehold system is entirely against that; it is this forty shilling freehold system that gives the Protestant ascendancy in the country. (*Such voters*) go with the Protestant landlord, and they extinguish the Roman Catholic interest, consisting of middlemen and farmers. The government are the best judges what they can venture to do, I am afraid it is a dangerous contention to enter into. It appears to me a most extraordinary thing, that when they are working out of the present disabilities in the way of the people, they should begin with the exclusion of a much greater number of persons, notwithstanding the great agitation it will produce. Those who do it will be answerable for it. I do in the most earnest possible manner wish the government, and the persons advising the government, to pause before they ingulf the country in such a quarrel.

Comm.
Feb. 23, 1825.
p. 31.

Lords,
p. 606.

p. 607.

The preceding extracts contain the substance of the principal opinions offered in evidence to the committees of the two Houses of Parliament, upon the expediency of disfranchising the forty shilling freeholders in Ireland. Whether such a measure would or would not be conformable to the principles of the British constitution, this is not the place to inquire; upon the effect which it would be likely to have on the state of Ireland, a few brief observations shall be here submitted to the reader. The disfranchisement of the forty shilling freeholders, or, more properly speaking, the raising the qualification necessary for exercising the elective franchise, has been represented in two lights; first, as a measure likely to be in itself beneficial to Ireland; and secondly, as affording a security to the Protestant church and people, against the consequences which might be apprehended to follow the removal of the disabilities by which the Roman Catholics are affected. It has been said that the present system of voting had given occasion for the great subdivision of land, and had thus been a cause of the too rapid increase of the population; and it has also been said that the poverty and the religious enthusiasm of the forty shilling freeholders give the priest an influence over them, by which he can upon any important question, defeat the efforts of the landlord.

To remedy both these evils, and to abolish the motives to perjury and rash swearing which the elective franchise, in its present state, presents, has been long considered a desirable object; but it may admit of a doubt, whether circumstances in Ireland are not in progress to afford a milder and a no less effectual corrective of such evils than that which was in past times thought necessary.

The evils resulting from the present freehold system in Ireland, as far as they consist of the great subdivision of land, the increase of a pauper population, and the slight regard which is paid to the solemnity of an oath, have arisen from that system during a period in which the attention of the government and of the gentry was but little directed towards the condition of the Irish peasant. The distresses of the agricultural population are much more slowly made known to the public than those of mechanics, among whom always a certain combination exists which enables them to make their wants more generally known and regarded. The peasant, when difficulties press upon him, retrenches from his daily meals, and the public never know that he has been afflicted; but when the artisan is distressed, an entire confraternity are concerned, and their grievances are soon announced to the world, or redressed by their employers. The distresses of the peasantry may not be thought of at the surface of society, until their discontent has ripened into disorder, and they may be long exposed to the operation of very evil influences, before they have been able to engage the attention of those who are their proper protectors. For a length of time in Ireland, the domestic condition of the peasant was apparently an object of indifference; and during that period, his comforts were gradually departing from him, and his respect for moral obligations, it is to be feared, was declining. Hence in part his crimes and the country's calamity. Latterly, however, a new spirit seems to have animated the Irish gentry; they have begun to feel that their interests are more closely connected with those of their tenantry than they had in past times imagined. The measures of the government, too, it is impossible to contemplate, without seeing that they are intended for the improvement of the Irish people in their moral and physical condition. The gentry understand that their interests, as land proprietors, and their feelings as men, are to be preferred before merely political advantages; the government are causing the peasantry to feel the edifying conviction that equal justice is administered to all; and is it too much to hope that, in such circumstances, the evils of the freehold system may be corrected by a remedy less violent than political disfranchisement? It is, at all events, worth making trial, whether the paternal system adopted by the Irish government, and the generous and well directed attention of the Irish

gentry, may not correct evils of which the extension of the elective franchise did, perhaps, furnish the occasion, but of which the neglect to which the peasantry had been consigned may have been the cause.

It is scarcely rational to consider the measure respecting the elective franchise in the light of a security to the Protestants, inasmuch as the alteration it contemplated was not to take place until after the demise of all existing freeholds. If the Established Church had reason to apprehend danger from the zeal of the forty-shilling voters, that danger would be most imminent during the first paroxysms consequent upon "Emancipation," and the natural effect of the "security" would be, to make priests and people strain to the utmost a power which after some short time they were to lose. But even supposing that the security were offered when the danger was greatest, that the disfranchisement and the "emancipation" were simultaneous, it is still very doubtful, whether any additional security would be afforded to the Church establishment or to the Protestant people. Very little satisfactory information on this subject has been elicited by the Parliamentary inquiry. Various opinions have been offered, but the grounds upon which they have been formed are very imperfectly stated, insomuch so, that it would be impossible, from the evidence, to ascertain whether the Protestant interest would be strengthened or impaired by raising the qualification necessary for exercising the elective franchise. There is certainly one opinion upon which much reliance ought to be placed, given by a witness whose information as to the circumstances of Ireland is very accurate and extensive, Mr. J. L. Foster, who states his belief, that if the elective franchise were not to be exercised on qualifications of less than 20*l.* per annum, the country would be materially served and the Protestant interest would be strengthened. Another opinion has been offered, which is perhaps also entitled to credit—that of Mr. O'Connell, who declares that the qualification ought to be as low as 10*l.*; in which case, the country might be served, and *the Protestant interest would be weakened.* The editor's experience would lead him to believe that this latter consequence has been fairly stated by Mr. O'Connell. In the southern counties, the greater proportion of 10*l.* voters would certainly be Roman Catholics, and if the landlords' influence over such men would, as Mr. Blake supposes, be stronger than over a tenantry who were paupers, it is probable that the priest also would have means of influencing the wealthier class of freeholders, which, in the other case, he could not hope to exercise. It is from this superior class that the priesthood are generally taken, and no man, who has not learned by personal observation, can form an adequate idea of the subserviency which is created in whole families, to the patron who has the

power to obtain for a candidate admission into Maynooth and afterwards into holy orders.

This is a point of view in which, perhaps, the measure respecting the elective franchise has not been sufficiently considered. It would confine political power within that class of persons by whom the importance of the priests patronage would be most sensibly felt. Had the Relief Bill of 1825, with its extraordinary adjuncts, become a law, it is not improbable that in the course of a very few years there would have been six thousand priests in Ireland, the number at present employed (amounting to 3,500,) *not being*, in the diocese which is best provided, two-thirds of the number requisite to satisfy the spiritual wants of the people. Supposing, then, that a bishop in a southern county had two hundred appointments at his disposal, beside the power of recommending to foreign burses or to some domestic establishment for education, it would be an interesting question to ascertain, and one which could easily be solved, what proportion there was between the bishops patronage, and the number of the 10% voters. At present, it may be the policy of the Roman Catholic priests to employ, principally, the services of the poorest classes of the freeholders. Doctor Hussey appears to have been the first who saw the advantage which had been obtained for his party by the Act of 1793, and he directed his clergy to avail themselves of it, by closely connecting themselves with the poor. His directions have been respected, and it is not now necessary to embroil the superior tenants with their landlords, because the poorer voters are by far the more numerous body. But let the circumstances be changed, and the church of Rome can change its measures, and, leaving the disfranchised freeholders to digest their degradation as they may, can govern the new voters as effectually, by a display of the earthly affluence and honours in its gift, as it stimulated the more superstitious by the bold claim which it advanced, that it was keeper of the keys of heaven.

But it is said that the present system is worse than that could be by which it was to be succeeded. It is said that in all important contests the 40s. freeholders will speak the sentiments, not of their landlords, but, of their priests. If it be the truth that the legitimate influence of property is counteracted by the authority of the Roman Catholic priesthood, and if such an evil increase to any important magnitude, the Irish gentry are not destitute of wisdom to discover, or spirit to apply, the proper remedy. If it shall come to pass that the forty-shilling freeholders are generally constrained to vote for candidates, of whom, or of whose principles, the landlords disapprove, it may then be expected that the gentry will feel the necessity that is laid upon them of confederating against the priestly alliance, and of adopting measures for the maintenance of their

interests in the country, which, to men who are moderate and resolved, shall be found, when once attempted, of very easy execution. The truth is, the Protestant gentry are, as yet, proprietors of the soil, and, if their rights are too daringly invaded, the aggressors may find, that forbearance has its limits, and that the landed interest in Ireland can, when it is found necessary, correct those mistaken views, in consequence of which, the extension of the elective franchise in the year 1793 has enabled the Roman Catholic priests to dictate terms to a proud and incautious aristocracy.

But supposing the opinions expressed here to be erroneous, admitting that the influence of the priests would be lessened by the disfranchisement of the forty shilling freeholders, who can say that a new source of disturbance in Ireland would not be opened, far more abundant than that which had been closed up. This appears to be the judgment formed by the well-known J. K. L. "But it is said to the Catholic, *Surrender the elective franchise, and we will grant you Emancipation.* Why speak to us of trafficking our inheritance—of selling our birthright, perhaps, for a mess of pottage! Why oblige us to buy back our own property, to exchange a certainty for an uncertainty, to surrender one right, and that the foundation of every other, in order to gain a something which may or may not be valuable?" "I would expect, that if it were proposed to the Catholics to barter the elective franchise for emancipation, that they would indignantly reject the unworthy compromise." "But the present system produces perjury and immorality. It does; and no man in the land laments these evils more than I do; but are they to be removed by reducing still more the Irish peasant in the scale of political existence? by increasing, to an incredible extent, the number of paupers? by throwing the famished population into the ranks of Captain Rock? by multiplying house-burnings, assassinations, murders, robberies?"* These are the sentiments of a man who solemnly declared to the Lord Lieutenant of Ireland, that he would never cease, while he could write or speak, exerting himself to keep alive in the minds of his people a sense of the wrongs they endured. If, then, he thought, that, at the same time, his own political influence was lessened, and the people were deprived of their rights, is it to be supposed, that he would not find, in the new indignity, materials for excitement as powerful as those by which he now agitates his congregations?—"The mention of the penal code" now issues from the preacher's lips as though "he sounded" the trumpet of the last judgment. † Would the mention of the

Letters on the State of Ireland, by J. K. L. pp. 305, 306, 308, 300.

† Letters, &c. by J. K. L. p. 287.

"Helotism" to which, as J. K. L. declares, the peasantry must be reduced by disfranchisement, be less calculated to agitate and inflame? And is it rash to conclude that the existing freeholders would so exercise their privileges, and would be so seconded and stimulated by the exertions of priests and people, that the country would be more disturbed, and the government more embarrassed than even by the argumentations through which the Roman Catholics hope to obtain their ends? One witness stated on his examination before the committee of the House of Commons, that Mr O'Connell could appease any discontented feelings which might arise in the minds of the Irish people, and that he could prevail even against Dr. Doyle, if he exerted his episcopal influence to reprobate the measure of disfranchisement.

RICHARD SHIELL, ESQ.

Comm.
March 3, 1825.
Report, p. 103.

Do you think an arrangement which would disqualify persons *actually in possession of that franchise*, and which they had exercised and never abused, would give satisfaction to them?—I think the great body of the people of Ireland, particularly the freeholders, are greatly influenced by the higher class. I am sure that Mr. O'Connell's influence is so great, that if Catholic emancipation were passed, he would reconcile them to the surrender of that which is to a great extent but an imaginary right.

Supposing another gentleman should arise, who took another view of this from Mr. O'Connell, and should protest against the opinion of Mr. O'Connell, and should hold that they were in possession of this right; that it was a right they had always exercised, that they had never abused it; some person like Dr. Doyle, for instance; do not you think he might create a considerable party in the south of Ireland, in favour of retaining the elective franchise?—I think not; I think indeed that the lower orders in Ireland can be easily influenced by an appeal to their religious feelings; they feel greatly irritated at seeing every Protestant that passes them, their superior; there is the point on which they are sore. With respect to the elective franchise, I do not

think any individual would be able to excite any permanent feeling: the subject is not naturally connected with religion.

Whether Mr. O'Connell might have obtained from "Eman-
cipation," if he had been successful in his negotiations with
the government, some means of defence against his adversaries,
cannot be easily ascertained. Certain it is, however, that his
influence with the people has not been such as to give currency
to his opinions, and that he has been constrained, notwithstanding
his own opposing judgment, to yield to the voice of the
people, and join in the general censure of "the wings." It may
not be inexpedient to compare the sentiments of Mr. O'Connell,
when giving evidence before the Parliamentary committees,
with the sentiments which that gentleman thinks proper to
deliver as his own, when addressing himself to the people of
Ireland.

DANIEL O'CONNELL, ESQ.

Do you think the Catholics of Ireland would be con-
tent to exchange the indirect political power they now
possess by means of the forty shilling freeholders, for
the direct advantage of the political influence they
would possess if admitted to the enjoyment of equal
rights?—There may be some little clamour on that sub-
ject, but it would be an irrational one, and, I think,
easily put down. I do not think there would be any
difficulty in coupling that with the measure of emanci-
pation; in my own judgment there would be none.

Lords,
Mar. 11, 1825.

Yet Mr. O'Connell will not allow that he gave any support
to the projected measure of disfranchisement; "my support
" of (if you choose to call it support,) or, as I say my *acquiescence*
" in the freehold wing."—Letter to the Editor of the Dublin
Evening Post, July 23d, 1825.

Does it occur to you that the equalization of political
rights enjoyed by Catholics, would be conveniently and
advantageously accompanied by some legislative pro-
vision for the Catholic clergy, *dependent upon the will*
and pleasure of the crown?—Yes, it does. I think it
would be very desirable in that case, that the govern-

Lords,
Mar. 11, 1825.
D. O'Connell,
Esq.

ment should possess a legitimate influence over the Catholic clergy, so that in all the relations of the state with foreign powers, the government should be as secure of the Catholic clergy as they are now of the Protestant clergy. I think therefore it would be very desirable that the government should have that reasonable bond, that would bind the Catholic clergy in interest to them as well as in duty. I should be very desirous myself of seeing the government possess that influence.

"Many declaimers among the Catholics have represented this wing as precisely similar to the ill-fated measure of the *regium donum* of the Presbyterians, that is, as giving the crown the power to reward or punish, by conferring or taking away the annual stipend."—"The government could have no controul over the State provision. According to the wings, the provision would be a legal right."—Letter to the Catholics of the county of Louth, Dec. 12, 1825.

Lords,
May 11, 1825.
D. O'Connell,
Esq.

"I think it would be desirable that the government should see the names (*of persons postulated for a bishopric*) before they went to Rome.

If the government had no power of rejecting, should you not think that a futile form?—No, because under those circumstances (*emancipation having been granted*) the government would necessarily have great influence at Rome; and would be able to state authoritatively its reasons to the court of Rome, for desiring the rejection of those individuals, so that perhaps by that means *the government would have a more direct veto*, in any case of real danger, than by any Act of Parliament."

"Every layman in Ireland would desire there should be no name sent to Rome, until the government had seen it."

"It will be seen at one view, that the assertion that there was any thing vetoistical in the wing, was a most gross and unfounded calumny. The government was to know just as little respecting the appointment as they do now until *after*" (*"Mr. O'C.'s italics,"*) "it had actually taken place."—Letter to the Catholics of the county of Louth.

"Would there be any objection to the interference of the crown, in prohibiting the appointment of particular individuals, or in controlling them?—At present there would be so much, that it would totally spoil the effect of any measure of emancipation; and I would respectfully, in that case, submit, that it would be better, perhaps, to leave things as they are, than meddle with that just now. If hereafter, in practice, it was found that any real and substantial inconvenience occurred from the present arrangement, I am quite sure the government would find great facilities after the emancipation, both at Rome and in Ireland, in making a proper and satisfactory arrangement on that subject."

Comm.
March 4, 1825.
Report, p. 121.

This was something like a promise of what Mr. O'Connell has been all his public life opposing, and what he styles in his letter to the Roman Catholics of Louth, as "the abominable Veto itself."

After having appealed from Mr. O'Connell before Parliament to Mr. O'Connell in Ireland, the reader perhaps will be but little surprised at the resolution which this man of influence was condemned to move at the meeting of the Catholic Association, on January 17th, 1826. "That the terms of our petition shall embrace the principle, to its fullest extent, of *unqualified* Emancipation, and that we emphatically deprecate the introduction of any measure into Parliament, purporting or tending to restrict the elective franchise, or interfering with the discipline or independence of the Catholic church in Ireland.

Mr. R. O'Gorman asked Mr. O'Connell, whether he would oppose those measures, should they be introduced into Parliament again?—Mr. O'Connell declared he certainly would."

Dublin Morning Post, January 18, 1826.

The State has learned a useful lesson from these submissions to which Mr. O'Connell was constrained to bow himself down. It has been taught, that a leader's influence may be considerable in stimulating his partizans, or in keeping them from exercising calm discrimination, and yet may be altogether inadequate to the task of directing aright the public mind, or of repressing popular violence. As a champion of the church and a reviler of public men, the fanaticism and the intemperance of his party ministered to "their bold thunder;" but when the refractory leader dared to propose measures which were neither

accommodated to the views of the violent or the superstitious, he was made to feel that he might utter his voice and it would not be regarded, and the nation were taught to see, that the light with which he shone could be withdrawn by the powers which had imparted it. To be brief, Mr. O'Connell was a leader, but he did not hold the reins or the whip, and when he attempted to break out of harness he was made to feel both, and after a few awkward plunges, has become docile and obedient again.

There remains now but one remark to be made in this chapter, on the subject of "securities." The following declaration has been made by Mr. O'Connell, as a witness.

Lords,
Mar. 11, 1825.
D. O'Connell,
Esq.

" I have reason to fear, that there are means taking
" in a neighbouring country to educate a number of
" Catholic priests for Ireland; and there certainly is
" now no anti-catholicity in that country, but the con-
" trary: and I feel it a sacred duty to say, that I look
" with alarm to the progress of that species of educa-
" tion, unchecked as it would be in future, by enmity
" between the Catholic clergy generally, and the par-
" ticular power to which I allude in the present in-
" stance."

If the government give credit to Mr. O'Connell's statement, and think his apprehensions reasonable, it is to be hoped, that if securities are thought advisable, some measure will be adopted on general and approved principles, and that neither the dignity of the state nor the public interest will be compromised by negotiations with leaders.

CHAP. III.

*Roman Catholic Association. Advocacy of
Roman Catholic Claims.*

THE REV. WILLIAM PHELAN, B. D.

IS Catholic Rent a new thing in Ireland?—No; impositions of that kind are mentioned more than once in the history of Ireland. There are some prominent periods in which the enforcement of such a demand appears more decisively than in the general course of things. In the reign of James the First, Roman Catholics were admissible to Parliament; but in the first Parliament which he called, they found they were likely to be in a minority, therefore they seceded from the House. The writer (a Roman Catholic bishop) from whom I derive my information, says, that the Lord Lieutenant of the day was afraid to enforce their attendance, because the whole body of the people was determined to join in support of their plans, even by open insurrection. Having thus formally separated from the constitutional authorities, they erected themselves into what I may call a domestic government. To support the exigencies of this government; the priests collected a Catholic rent, which, my authority says, was a very liberal sum. He also mentions that the money was applied chiefly in defraying the expenses of the gentlemen who were most forward in conducting the general cause in England and Ireland. It may be right to add, that the collection of this rent was stopped by a proclamation from Sir Arthur Chichester, the Lord Lieutenant of the time.

Lords' Comm.
May 27, 1823.
Report, p. 922.

p. 923.

What is the authority to which you allude for this?—Dr. Burke, titular bishop of Ossory, about the year 1760, and Dr. Routh, who was also titular bishop of Ossory, about a century before. The works are the “*Hibernia Dominicana*,” and the “*Analecta Sacra*.” Another instance which I remember, occurred in the reign of George the second, when, as appears from the Journals of the Irish Commons, there was a conspiracy, conducted principally by the Irish titular bishops, for the restoration of the then Pretender. At the same time a rent was collected, for the furtherance of their purposes. I have seen an account that a similar tax was levied about the commencement of the reign of his late Majesty, but I cannot bring the authority distinctly to my recollection.

You mentioned a desire on the part of the Roman Catholic hierarchy, to establish a domestic government; what was the nature of the domestic government of which you spoke?—I used that phrase, because it has been recently rendered familiar by Dr. Doyle’s application of it to the Catholic Association. Something analogous to the principle of that association appears to have been the policy of the Roman Catholic ecclesiastics, in every reign of the seventeenth century, and, as far as circumstances would allow, in the eighteenth also. I have already shewn, that in the reign of James the first, the Roman Catholics separated from the state, though they were then entitled to mix in its proceedings, and formed themselves into a separate society. In this society the bishops appear to have been the leading persons. In the reign of Charles the first, the matter is of historical notoriety. The bishops had then an army arrayed not only against the King’s lieutenant, but against all the wisest and noblest of their own communion; they were in every respect the heads of a state, and exercised all the functions of sovereign power. There is a very strong passage in Sir William Petty’s *Political Anatomy*

of Ireland, stating that the Roman Catholic ecclesiastics "were always the leaders of a mystical government in Ireland." I would beg leave to read the passage; it is as follows: "Such is the external and apparent government of Ireland; but the internal and mystical government is thus:—There are always about twenty gentlemen of the Irish nation and Popish religion, who by reason of their good parts and courtly education are supported by the Irish to negotiate their concerns at the court of England, &c. These men raise their contributions by the priests, who actually and immediately govern the people. The priests are governed by twenty-four bishops, all of whom have been a long time conversant in France, Spain, Italy, &c. where, as chaplains and almoners, they have made an interest with the governing men and ministers of state. So as the body of the Irish papists are governed by about 1,000 secular priests, and 2,500 friars and regulars of several orders, and these again are governed by their respective bishops and superiors, whom the ministers of foreign states do also govern and direct. Thus upon the whole matter, the Irish are governed indirectly by foreign powers; and so are the afore-named lay patriots, their support coming from the clergy constituted as aforesaid." Sir William wrote in the year 1672. The affairs of Ireland, after the abdication of James the second, did not allow of the same unequivocal manifestation of such a government. It appears, however, from time to time, as in the instance I have mentioned to your Lordships, in the reign of George the second; the bishops acted then as the heads of a polity which was in hostility to the established government.

Report, p. 924

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Does any remedy occur to your Grace by which those religious dissensions can be put an end to?

Comm.
April 7, 1825.
p. 794.

I cannot help thinking that, if the persons who are influential in the Roman Catholic body in Ireland were sincerely desirous of prosecuting only the fair objects of that body, and in a fair constitutional way, we should suffer very little by dissensions; I do not think that the mode pursued is necessary for the object.

Does your Grace's observation apply to the mode in which the Roman Catholics now seek to obtain the repeal of the disqualifying laws, or to their connecting with the repeal of the disqualifying laws other considerations not necessarily to be connected with that?

Comm.
April 7, 1825
p. 795.

I think it arises from both; the present mode I think injurious in the way I have described; and there is connected with that an association, which ought not to exist, of those different considerations, in the minds of the Roman Catholics at large.

What is the mode in which Catholic claims, as they are called, are prosecuted, which strikes your Grace as being objectionable?

I think the mode which has been lately adopted in Ireland has been to attract, as powerfully as possible, the influence of the priesthood to the support of the objects of (perhaps I use too harsh a word when I say) the demagogue; but I mean to say this, that there has been an eagerness of exertion connected with objects, as I believe, beyond those that are professed to be sought; that this has produced a sort of character, and the exertions of a sort of character, on behalf of the Roman Catholics, that are not to be justified by the real wants of that body; and that the conduct pursued has been that which fairly subjects the leading persons to the description of demagogues; of persons who are inflaming the people, in order that they may, by modes not perfectly justifiable, or allowed by the constitution, obtain an object in which they have themselves a peculiar interest.

Does not your Grace conceive the great object of the Catholic leaders to have been, the obtaining a union of all classes of Catholics from the highest to the lowest, both lay and ecclesiastical, in pursuit of one common object?

It certainly has been so; and therefore they have not declined drawing their religion itself into an association by which it never should be influenced, confounding all distinctions, and making the religious part of their community altogether political.

If the system of exclusion is founded upon religion, does not your Grace conceive that, as a necessary consequence to that, the mode of obtaining the repeal of those laws must be religious also; that the whole contest must be of a religious character?

But then the whole contest here is not of a religious character. I think that the objections to the religion should be met by religious considerations; theological objections opposed theologically; and the minds of the public should be allowed to travel forward in the natural and fair course, so that the whole object should not be forced at once by violence, but that there should be a satisfaction given to the judgment of parties, who are at least as much concerned in the well-being of the constitution as the persons who now seek to be admitted into it. I think that the Protestant mind should be satisfied; that the objections to the religious tenets of the Roman Catholics should be shown not to be well founded, if in reality they are not so; and that the way to effect that, is not by the violent conduct of the Roman Catholic leaders; that the whole should be a progress of mind, so far as religion is concerned; and, in truth, the thing to be principally complained of is, that this method has not been pursued, and very bad consequences have followed, from the circumstance of the suddenness of the change that has taken place in this respect; the persons who imagined that the avowal of

theological opinions could lead no farther than to theological discussions, found themselves all at once involved in the violence of every species of accusation, because they happened conscientiously to have delivered such opinions, in what they conceived to be the just discharge of their duty; and thus the fair course and progress of mental improvement has been altogether disturbed and overturned by the modes of proceeding recently adopted.

General Observations.

It has been long the practice of all those who advocate the claims of the Roman Catholics, both in and out of the senate, to justify the intemperance of language and conduct in which that class of His Majesty's subjects, or rather certain persons assuming virtually to represent them, have thought proper to indulge. The defence is, that it is natural for men deprived of their rights, to demand the restoration of them with something like violence and clamour. Some have even gone so far as to say, that the Roman Catholics would be unworthy of their freedom (as it is called) if they were not intemperate in demanding it. Hatred of oppression and injustice is so natural to the human mind, that those who manifest such indignation strongly, are sure to find numbers who will sympathize in their feelings, and approve of their conduct: therefore the violence of the Roman Catholic leaders has been proclaimed by their supporters, not as something which the law ought to punish and repress, but as an additional argument to extort concession from the legislature. The opinions expressed by the Archbishop of Dublin will, it is hoped, have the effect of inducing an inquiry into the justice of the position, on which this argument is grounded. A few brief remarks on the manner in which the Roman Catholic claims have been advocated, may serve to illustrate the new and important views which are presented in His Grace's evidence.

The argument against the admission of the Roman Catholics into the legislature of Great Britain is, that, if they believe in the doctrines which their Church maintains, they cannot be safely intrusted with power in a Protestant community. The reply to this argument, in order to be reasonable and effectual, must be one of three kinds; either, doctrines are falsely imputed to the Church of Rome—or, that Church has denied those doctrines with the same solemnity and authority as that with which it declared them—or else the Roman Catholics of Ireland, finding that they are required to maintain doctrines which

they cannot believe, are ready to depart from a Church with which they can no longer hold communion. This latter course they seem determined not to pursue, and therefore it remains, that in order to meet the objections of their adversaries, they ought to prove, either that their Church never maintained doctrines such as those offensive tenets imputed to her, or that she has formally and authoritatively renounced them.

Supposing, for an instant, that the accusations of history are true, and that the Church of Rome demands of her votaries, whenever her interests require, that they shall be perjurers, and murderers and traitors; and that Irish Roman Catholics, instead of withdrawing from this abominable system, vent their indignation against the State, which will not be subservient to it, and profess their deep reverence, and promise entire submission to the Church which justifies crime; would the advocates of "emancipation" undertake to say that such intemperance is honourable to those whose conduct it characterises? It is not probable that they would. The value therefore of their argument depends on the justice of the assumption, that the charges against the Church of Rome are false. To put this statement in a brief form, the Irish Roman Catholics ought to be indignant, either against the Church which dishonours them, or against a government which oppresses them. If their Church be wrongfully accused, the proceedings of the "Catholic Association" are just and laudable; but if the accusations against the Church of Rome are true, then, intemperance against the British government indicates a very culpable inattention to the first duties of subjects, or else a total insensibility to national and personal humiliation and dishonour.

It is said that the Roman Catholic gentry of Ireland are unacquainted with those doctrines of their church (even if there be any such) by which their allegiance, as subjects of a Protestant Monarch, is rendered doubtful. This is the truth; but is it a creditable truth? A Roman Catholic promises (as bishops of that church have in their evidence stated) that he will believe all that has been declared, delivered, and defined in canons and in general councils. The State excludes him from office, because, among those tenets which he professes to believe, there are some which no subject of a Protestant monarch ought to maintain. And what then becomes his duty? what would any unprejudiced man think to be his duty in such a case? Evidently, to inquire into the justice of the charges urged against him; if they were just, to submit with patience to the judgment of the State, unless he were determined to remove the grounds on which it was formed, or, if the charge were false, to disprove it, not by bold and clamorous denial, but by argument of the same nature, and resting on the same authority, as that by which the charge was supported. This is evidently the duty of a sub-

ject. And if any class of men, through obstinacy or fanaticism, are contented to remain in ignorance, and meet the charges urged against them—charges resting on conclusive evidence, and enforced by “paramount authority,” with no other answer than the culprit’s plea “Not guilty;” and if while they bend in blind submission before their church, they shall burn in virulent invective against the State, surely their intemperance is not to be considered as expressing the honest indignation of generous men, but rather as a proof that the charges urged against them are founded in truth, demonstrating the predominance of a bad spirit, in which they will not discharge the duty of inquiring into the articles of belief which they have promised to receive, lest they should find that the conduct of the government was just, and that their church was in error. It will be for the reader to judge whether the proceedings of these men, by whom the affairs of the Irish Roman Catholics are conducted, have not been of this nature; whether the arguments they have employed, are not quite foreign from the merits of their cause; whether the arguments with which they neglected to provide themselves, were not those by which the apprehensions of the Protestants might be appeased; and whether they have not put away from them the opportunity of urging (or of possessing the power to urge) such arguments, in a manner calculated to excite suspicions which it should have been their great object to allay. The Editor proceeds to state briefly the leading characteristics in the advocacy of the Roman Catholic claims, upon which a judgment may be formed.

Treaty of Limerick.

THE Roman Catholic Association have adopted the resolution of presenting a petition to the Imperial Parliament, complaining that the Articles of the Treaty of Limerick have been violated. Mr. O’Connell observes, “The case of the Catholics, so far as regards the breach of the articles of Limerick, lies in the narrowest possible compass. The Treaty promised them the full and undisturbed enjoyment of all the privileges they possessed in the reign of Charles the second,—and as for the privileges, little more need be said, than that they included eligibility to fill seats in both houses of parliament, and that the prayer of the present petition is, that that eligibility shall be restored to them, they having been basely and perfidiously robbed of it.” (*Veheement cheering.*) Dublin paper, “Association,” Jan. 17.

The article in the Treaty of Limerick, to which allusion is here made, is the first; it is as follows:

"The Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion, as are consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles the second; and their Majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such farther security in that particular, as may preserve them from any disturbance upon the account of their said religion."

In this article there may be considered two parts: one, that the contracting parties, as far as their power extends, guarantee to the Roman Catholics certain privileges; and the second, a promise that their majesties shall "endeavour to procure" additional security from parliament. This will be better explained in the language of the royal edict: "Know ye, That we having considered of the said articles, are graciously pleased hereby to declare, That we do, for us, our heirs, successors, as far as in us lies, ratify and confirm the same." And as to such parts thereof for which an act of parliament shall be found to be necessary, we shall recommend the same to be made good by parliament, and shall give our royal assent to any bill or bills that shall be passed by our two houses of parliament to that purpose."—It appears evident from this, that the Roman Catholics considered the assent of the Parliament necessary, as well as that of the King; and that they could not obtain any positive promise, that such assent was to be procured. They were perfectly competent, of themselves, to form a judgment as to the temper of the nation at that particular period; and they knew that if a contest arose between the influence of the Crown and the Protestant feeling of the country, it was very doubtful which would prevail. What they obtained therefore by the Treaty, was the assurance that they were to suffer no penalties on account of their past conduct—that they were to be governed by the ordinary laws of the land, until a parliament could be assembled, and that then their majesties would endeavour to procure for them a continuance of the immunities and privileges which, until then, they were to enjoy. The parliament, when assembled, exercised the privilege which, of right, belonged to them, and which the Treaty recognised, and in their confirmation of the articles, rejected such as they disapproved of, and among others, the first, upon which the claims of the Roman Catholics are now rested.

But let it be admitted, that no such power was exercised; let it be conceded, that the first article in the Treaty of Limerick had been fully confirmed, and that, instead of privileges "*in the exercise of religion*," it promised the enjoyment of all "*political*" privileges; ; it does not contain any clause which exempts the Roman Catholics of Ireland from the authority of the legislature, or which constrains Parliaments to observe a line of con-

duct essentially injurious to the nation. The Roman Catholics were to enjoy the privileges, which they possessed in the reign of Charles the second; but among these privileges and immunities, there was no security that they were to be perpetual; no pledge that the Parliament, in all cases in which such immunities and the interests of the nation were opposed, should consult for the advantage of the Roman Catholics, and disregard the national welfare. The Editor is well aware that high authority may be adduced in support of the opinion, that the "Articles of Limerick" have been violated; and he is ready to admit that any restriction on the liberty of the Roman Catholics, or any diminution of their privileges, not essential to the well-being of the State, was an infraction of the Treaty; and therefore it may, perhaps, be said that in the penal laws there was much which should never have been enacted. This, however, is a part of the subject which it is not necessary to examine. The argument urged by the Roman Catholics is, that the enactment of laws, by which they became disqualified to sit as members of Parliament, was a direct and perfidious violation of the articles of Limerick. It may not be impertinent to compare with these modern assertions, the arguments urged in the year 1703 by the petitioners against the bill then in progress through the houses of Parliament in Ireland.

"The petitioners having applied to the Lords also for leave to be heard by their counsel against the bill, the same was granted; and the same counsel, upon Monday, February 28th, appeared there and offered such like arguments as they had made use of in the other house; they told their lordships, that it had been objected by the Commons, that the passing that bill would not be a breach of the articles of Limerick, as had been suggested; because the persons therein comprized were only to be put into the same state they were in the reign of Charles the Second, and because, that in that reign there was no law in force which hindered the passing any other law thought needful for the future safety of the government. That the Commons had further said, that the passing this bill was needful at present for the security of the kingdom, and that there was not any thing in the articles of Limerick that prohibited their so doing. It was admitted on the part of the petitioners, that the legislative power cannot be confined from altering and making such laws as shall be thought necessary for securing the quiet and safety of the government; that in time of war or danger, or when there shall be just reason to suspect any ill designs to disturb the public peace, no articles or previous obligations shall tie up the hands of the legislators from providing for its safety, or bind the government from disarming and securing any who may be reasonably suspected of favouring or corresponding

“ with its enemies, or to be otherwise guilty of ill practices :”
 “ Or indeed to enact any other law,” said Sir Stephen Rice,
 “ that may be absolutely needful for the safety and advantage
 “ of the public ; such a law cannot be a breach then of these,
 “ or any other like articles. But then such laws ought to be
 “ in general, and should not single out or affect any one parti-
 “ cular part or party of the people, who gave no provocation to
 “ any such law, and whose conduct stood hitherto unimpeached,
 “ ever since the ratification of the aforesaid articles of Limeric.
 “ To make any law that shall single any particular part of the
 “ people out from the rest, and take from them what by right
 “ of birth, and all the preceding laws of the land, had been con-
 “ firmed to and entailed upon them, will be an apparent viola-
 “ tion of the original institution of all right, and an ill precedent
 “ to any that hereafter might dislike either the present or any
 “ other settlement, which should be in their power to alter ;
 “ the consequence of which is hard to imagine.” *

Such was the argument of the petitioners against not merely political disabilities, but against very severe penal statutes. As to the exclusions from office, the petitioners scarcely complain of them, asserting that they affected, principally, the dissenters in Ireland. The right of Parliament to enact laws by which the Treaty of Limerick should be annulled, is fully admitted, and the petitioners contend only, that such laws should not be directed against the Roman Catholics alone, inasmuch as there was nothing in their conduct or principles which was deserving of punishment. Whatever weight this argument may possess, it can derive little additional importance from a reference to the “ Articles of Limerick.” The Roman Catholics who demanded these articles, must have been well aware that they did not secure to them a freedom from the power of parliament. They were to enjoy such privileges and immunities as were consistent with the laws of Ireland, “ or as they did enjoy in “ the reign of Charles the second,” and in that reign the two “ Test Acts” were passed in the Parliament of England, and the immunities of Roman Catholics were not regarded in the enactment of them. It appears also that “ orders were trans-
 “ mitted to the Lord Lieutenant and council of Ireland to pre-
 “ pare laws for excluding Papists from either house of par-
 “ liament, or any office in Ireland, agreeably to those already
 “ enacted in England ; and that a proclamation should be
 “ issued for encouraging all persons to make further discoveries
 “ of the horrid Popish plot. The bills were not transmitted
 “ till after the dissolution of the English parliament : the
 “ proclamation was immediately published.” † Whether the

* Curry's Civil Wars, vol. 2, Appendix, p. 398.

† Leland's Ireland, vol. 3. p. 479.

English Parliament, in enacting laws against the Roman Catholics, did or did not transgress the bounds of justice, is a question not connected with the present subject. It is here necessary only to observe, that the Roman Catholics who capitulated at Limerick, obtained no more than that they should enjoy immunities like those which Parliament had interfered with, and that, accordingly, they could not complain of a violated treaty, when it had been decided that their privileges and immunities in the reign of Queen Anne, were not more sacred than the privileges which they claimed—those enjoyed and lost in the reign of Charles the Second.

It may perhaps be demanded, what the Roman Catholics could hope from the articles of capitulation, if Parliament were to have the power of withdrawing from them privileges, of which the terms of surrender left them in possession. A very little consideration will show that they may have obtained much—They appealed from the armed hostility of their enemies to the deliberate wisdom of parliament. They had the power to exert themselves in strengthening their interest, and in proving the justice of their cause, instead of being prosecuted as conquered rebels, by the vengeance of those to whom they had been opposed, and whom they might have injured. They were to be judged, not by a reference to their past conduct, but by a consideration of their principles and their intentions. These and many other advantages, which will readily suggest themselves to the mind, were obtained by the Treaty, and the Roman Catholics were well aware that the articles of Limerick left the power of parliament unimpaired, and they were willing, for the sake of present immunities, to submit themselves to the authority of a government by which, according as the interests of the state required, their privileges might either be confirmed or withdrawn.

According to this view of the subject, the question to be determined is, not whether the Parliament could, without dishonour, deprive the Roman Catholics of privileges which they had by a treaty obtained, but whether the interests of the nation demanded that such privileges should be withdrawn. This, it is made manifest from the arguments of Sir Stephen Rice, is the view of the subject which it is reasonable to take. The authority of Parliament is admitted, and its right to enact such laws as the public interest required; and accordingly, the objection urged against the propriety of passing the Penal Statutes was, that the principles and conduct of the Roman Catholics were not such as to require, and therefore to justify, coercion. The propriety of such an objection may be estimated by a reference to the circumstances under which the penal laws were enacted, which were, briefly, these: the sentiments of the Roman Catholics (as may be inferred from Doctor Doyle's testimony) were favour-

able to the House of Stuart; the head of that house was acknowledged at Rome as King of Ireland, and he actually appointed the Roman Catholic bishops; the "subjects" of these bishops refused to take an oath of allegiance to the Queen of England,* and apprehensions were entertained of a rebellion in Ireland; and of an invasion from France. In such circumstances, the members of the "Catholic Association" declare that it was perfidious in the Parliaments of Ireland and England to deprive a disaffected people of privileges which they might use to the detriment of the state; and Mr. O'Connell has determined to present a petition to the Imperial Parliament, complaining of the breach of faith which deprived him of his rights, and demanding, as an act of justice, that the existing legislature restore him. The Editor will venture to propose a case, which appears to him parallel to that which Mr. O'Connell is pleased to argue.

It is a privilege granted to the people of Ireland, and confirmed to them by the authority of law, that every freeholder who enjoys a clear annual profit of forty shillings, shall be entitled to vote at the election of members of parliament. This privilege may be considered, in some respects, as the result of a treaty by which the people, on the one hand, surrender the right of universal suffrage; and the state or government, on the other, secures the elective franchise to those who shall possess certain qualifications. This is a right secured to the people by a much more solemn act than that which guaranteed privileges to the Roman Catholics; and yet Mr. O'Connell advocated the propriety of depriving the people of this right. It is quite evident, that on the principle which would countenance those complaints of treachery, in which the "Association" so largely indulge, the disfranchisement of the forty shilling freeholders must appear perfidious in the extreme. The great majority of them, it was said, confided in the men who were ready to sacrifice them, and had contributed out of their poverty to the success of the "Catholic cause." Many of them had been guilty of no act of treason against the state; and yet Mr. O'Connell thought that the Parliament would act wisely and well in taking from the great mass of the people the only political privilege they enjoyed. It is idle to say, that, if they acquired a property worth ten or twenty pounds per annum, they might vote for a representative. The principle upon which the measure was to be constructed was, that the qualification for a voter should be raised; and in consequence, that great numbers must be disqualified. It will have certainly a very extraordinary appearance, if Mr. O'Connell complain, that the legislature are guilty of treachery in excluding him from a seat in parliament, while he could see nothing but wisdom and justice in the disfranchisement of all the forty shilling freeholders in Ireland.

* See vol. 2, chap.

*Numbers and Dispositions of the
Roman Catholics.*

THE argument derived from a consideration of the numbers and the disposition of the Roman Catholics, might be called by a name not very creditable to those who advance it, and very far from respectful to those against whom it is urged. The Roman Catholic population of Ireland, as the leaders say, amounts to seven millions, and their dispositions are such, (Mr. O'Connell declares) that England dares not "hazard a battle" without acceding to their demands. This is the substance of the argument, however the form may be varied. Formerly it was rather more imposing, when prayers were offered up for a champion like Bolivar, and a portion of that spirit which has animated the Greeks. Prayers of this nature are now less frequent; Mr. O'Connell has declared his indisposition to take the field against Lord Anglesea, and he requires of the Irish Roman Catholics only this, that if England be in distress or difficulty, they shall hold it an act of baseness to assist her. This is scarcely fair in the leaders of "the Association." They proclaim loudly the merits and the numbers of their Protestant friends. They insist that a great majority of the generous and enlightened are on their side, and yet they call on the people at large to punish their best friends, because their ability to serve them is not equal to their inclination. Beside, they say that they are kept in exclusion from office by the efforts and influence of the established Church; not meaning to assert that the bishops and clergy of the Church of England are of themselves powerful enough to maintain the constitution as it, at present, exists, but that their opinions are of so much weight with the Protestant population, as that many, at the recommendation of their clergy, take up political principles which otherwise they would not have adopted. It might have been hoped that in such submission to spiritual influence or authority, the Roman Catholics would recognise a kindred spirit to that which seems so predominant in their own councils, and that they would extend to the principle which operates on their Protestant brethren, a little of that toleration which they so largely require for the blind servility in which they consent to live towards their own ghostly directors. A Roman Catholic gentleman declares that he believes all articles defined by general councils; and although he knows not what these councils are, although his bishops have not dared to publish a summary of the articles which he has promised to believe, yet he is ready to swear, with respect to them, what he has not taken the pains, what it may be he had not the power, to learn, otherwise than

from the lips of his priest. A Roman Catholic gentleman (if he really belong to the church of Rome) is ready to declare, when his priest requires, that all things defined, declared and delivered in eighteen councils, are to be believed, as if God had spoken; he is then ready, because his priest permits, to swear that he does not believe articles which some of these councils defined, and on which many of them acted; and yet he who can thus say and unsay, swear and forswear, unconscious of any guilt or dishonour, so long as the commands of his church constrain him, will not allow any indulgence to the Protestant who is persuaded to be jealous for the security of his church, and to distrust the promises of men who know not what they say. A Roman Catholic reverences his priests with such a total prostration of intellect, that he is ready to swear to the truth of their assertions, respecting doctrines which he has never examined for himself; that, without even demanding an account of what these doctrines are, he professes that they are all to be undoubtingly received; and yet while he expresses himself indignant that any man shall question the sincerity of those priests on whom he entirely relies, while he thinks it extraordinary, that the word of a modern divine shall not be received as evidence sufficient to set aside the testimonies borne by a succession of Popes and councils for many hundred years, he is yet so intolerant of the prejudices or predilections of other men, as to think Protestants inexcusable for paying attention to the assertions of their clergy, that, in the system of the church of Rome, and in the conduct of her ministers, there are some suspicious appearances.* Roman Catholics expect, that Protestants shall pay no attention to the advice and to the statements of the divines of their own communion, divines who do not wish to be believed on their own word alone, but who appeal to the law and the testimony, who appeal to history and philosophy, to the past ages and the present, in order that they may prove what they assert: and the same Roman Catholics, who expect, that a reflecting people shall reject the testimony borne by the luminaries of the church of England, and by the collected infallibility of the church of Rome, regard it as an unpardonable offence, to refuse assent to the unauthorized and discountenanced assertions of individual priests in Ireland. There is something very inconsistent in this. If the Irish Roman Catholics determine to close their eyes, in order that their priests may the more easily lead them—it is hard that they will continue to revile Protestants, for being persuaded to believe, that men so led have not adequate knowledge of the way they are going; and that the character of their guides is not to be taken altogether from the accounts they are themselves pleased to give.

It is not for the purpose of showing the inconsistency of the Roman Catholics of Ireland that the Editor has offered these re-

marks, but with the intent of proving, that the argument derived from a consideration of the numbers and the dispositions of the members of their body, is deprived by their conduct of its principal recommendation. The great strength of the argument must consist in this, that concession of the claims of the Irish Roman Catholics may conciliate their affections to the state ; that rejection of them will serve to confirm their discontent, and may excite a dangerous opposition to the best interests of the country. The justice of the assumption, that the result of concession would be favourable, must depend on the characters of the men to whom concession is to be made ; and if they appear to be persons who blindly submit to their own clergy, and are indignant that Protestants receive the advice of their ministers with respect, it is very difficult to believe, that the mere circumstance of having overawed the state, shall make them less subservient to the priests who have conquered for them, and less anxious to make their spiritual lords participate in the advantages which have become secured to themselves. It may be said, that if the Roman Catholic gentry of Ireland had demanded of their bishops, and obtained from them an account of those decrees of councils which they promise to receive, an account of the nature of that obedience which they promise to the Pope, specifying exactly its extent and its limitations, and if with a sincere heart they assented to the doctrines which were offered for their acceptance, and found in them nothing contrary to their duty as subjects of a Protestant king, they might then, without inconsistency, object to the members of other churches manifesting a more docile temper towards their spiritual instructors than they had themselves evinced, and they might justly express dissatisfaction at being punished for their belief of doctrines which could do the state no wrong ; but when it appears, that they have been satisfied to remain in utter ignorance of the doctrines which they promise to receive, and have accepted the bare words of their priests, as a sufficient reply to the accusations derived from the history of their church, from the writings of its most honoured champions, from papal bulls, from sacred canons, from the acts of general councils—when they hear the most admired of their bishops declare, that he took an oath of allegiance, not protesting against any part of it, but resolved in his heart to violate one of its most important clauses—when they hear this same bishop declare, that besides the articles of belief which are known, the church of Rome has articles in reserve, which the Irish Roman Catholics have pledged themselves to receive so soon as they are proposed to them—when they find that their bishops and priests take oaths contrary to their religion, and take them with the resolution not to observe them, and that from the secrecy of their doctrines, they leave it impossible for the state to ascertain how far an oath may be

taken by them in good faith, and in what parts they swear with their lips, and in their hearts remain unsworn—when the Irish Roman Catholics find such to be the practice and principle of their spiritual rulers, and hear themselves described as persons for whom no sufficient formulary of doctrine has been compiled, and whose religion consists in an obligation to swear to the words of their masters the bishops and priests; and when, after such information as to the ignoble servitude in which they are contented to remain, they object to the professors of other creeds, that they pay to their spiritual guides a reasonable and limited obedience—is it too much to say, that every addition of power they may receive will make them only more serviceable instruments for the aggrandizement of a church, which is in Ireland rich in slaves, and which would acquire similar wealth, were it possible, in every quarter of the world?

With respect to the arguments, on the cogency of which the above remarks are offered, it is scarcely necessary to enter into any detail. The public press has been too full of instances to make it necessary that any specimen should be given here. The Editor therefore willingly excuses his readers from the perusal of any of that intemperate and menacing language with which it is the pleasure of the Roman Catholic Association to assail those who differ from them in opinion, and to gratify their constituents. There are, however, two instances which it may not be inexpedient to record, for reasons which shall presently appear; the speech of Doctor Drumgoole in 1813, and the resolution of thanks to Mr. Hamilton Rowan, in the year 1824. Of the speech, Mr. O'Connell (in reply to an argument urged by the Bishop of Chester in the House of Lords, speaks thus:) "This speech of Doctor Drumgoole's happens to be the only speech which I ever yet knew to be condemned by a public body. (*Cheers.*) It was delivered late in the day, when there was no opportunity to notice it: But there was an extraordinary meeting called for the next day, and there a unanimous vote of the Catholic Board was agreed to, condemning this speech.* I did not happen to hear him nor my friend, Mr. O'Gorman." According to this statement, made by Mr. O'Connell, the Catholic Board were prompt in relieving themselves from the imputation of approving a very intemperate speech. That they should be prompt, was incumbent upon them; because, had they delayed, their condemnation might be attributed to the influence of public opinion, rather than to a real disapprobation of Doctor Drumgoole's bigotry and intolerance. It might be said, that some able and eloquent articles which appeared in the Correspondent, and in other public journals, and the strong feeling of public indignation, which had been

* Dublin Evening Post, May 26, 1825.

excited, and the suspicion into which the proceedings of the board had been brought, had the effect of extorting from the Roman Catholics a tardy and dishonest condemnation of sentiments, of which, in their hearts, they approved. Mr. O'Connell's defence is therefore rested upon the assertion, that the board did not wait for the expression of the public sentiment, but as soon as it was possible after the delivery of the speech, exonerated themselves from the burden of it. There is but one objection to the defence; it rests on the authority of Mr. O'Connell alone, and it is contradicted by all the public journals of the time when the speech was delivered; for by a reference to the Dublin newspapers for the month of December 1813, it will be found, that the speech was delivered *on the 9th day of that month*, and that it was not disavowed by the board until *the twenty-fourth*. As to the manner in which this speech was received by the body to which it was addressed, it can be learned best by a reference to that journal which has been, in all times, the organ of the Roman Catholic body; and in that the following notice is contained*: "Doctor Drumgoole rose to make his important motion. He prefaced it by a speech of great learning and talent, which we must defer until our next. It was replete with all the learning and sound sense, for which the learned Doctor is remarkable; we should injure him and the public by giving it in the abstract." Such was the notice taken of a speech, which Mr. O'Connell declares was condemned immediately after it had been delivered. The truth was, that even in the board, Dr. Drumgoole had completely triumphed, although it was regretted by Mr. O'Gorman (who, according to Mr. O'Connell's report, was not present), that "the speech contained something like illiberality towards the different sects of Protestants;" he even expressed a wish, "that it might not go to the world as a sentiment, in any respect sanctioned or authorized by the board." But this was an idle wish—no man was found to move or second a resolution in support of it; and the public were left to infer the temper of the board, from their contemptuous disregard of Mr. O'Gorman's wishes, from the encomium on Doctor Drumgoole, which appeared in their official journal, and from their having listened to the indignant remonstrances of the Protestant people for fifteen days, before they signified their dissent from principles and sentiments which ought to have been reprobated and disavowed, at the very moment in which they were expressed. That such a dissent might reasonably be attributed to the constraint of public opinion, rather than to any feeling of justice or propriety, few persons will be hardy enough to dispute. Indeed, Mr. O'Connell himself appears to have admitted as much in an expression already

* Dublin Evening Post, Dec. 9, 1813.

quoted in this work, when, in moving that Doctor Drumgoole should be recognised as an ambassador of the Irish Roman Catholics at the court of Rome; he added, "that a clamour had been raised against him in Ireland and England, but he would do their business well at Rome*." This is certainly not the language of a man, who, in his heart, condemned the sentiments for avowing which, Doctor Drumgoole had "a clamour raised against him."

The Editor will content himself with making one extract from this important speech, which he offers to the reader not as a passage which is not generally well known, but as connected with a circumstance which may perhaps serve to explain it, and which has not been sufficiently noticed. The expressions are selected from the authenticated report of the speech which appeared in the Dublin Evening Post of December 11, 1813. "In the mean time the strong and *republican* phalanxes of Presbyterians occupy an imposing position, and *the columns of Catholicity are collecting* who challenge the possession of the Ark, and unfurling the Aurlslam," &c.

The imposing position of the Presbyterians in the north it is easy to understand;—but what was meant by the collecting columns of Catholicity—the Aurlslam unfurled—(the banner, the reader will recollect which was borne in religious wars)—and what was intended by their challenging the possession of the Ark. The church of England, it is added, "shall fall—for it is human and liable to force," &c. This expression renders it difficult to understand by the efforts which "the collecting columns of Catholicity" are to make, efforts merely of reasoning and controversy. What could be then the meaning of such an expression? The proceedings of the Catholic Board on the day when that speech was delivered suggest a fearful explanation. The first business of that day was a statement made by Mr. O'Connell, respecting the association of Ribbonmen; in which he informed the Board, that they had ceased to take the oaths of allegiance which had been formerly taken by those who became members of their body, and that applications had been made to him (Mr. O'Connell) for advice with respect to their proceedings. Was this "the unfurling of the Aurlslam;" were these "the columns of Catholicity;" was this the "force" by which the church of England was to be overthrown? If Doctor Drumgoole did not allude to this unhappy conspiracy, Mr. O'Connell's statement should have guarded him against the very intemperate and ambiguous language in which he chose to express his hostility to the Church establishment; language which, coupled with Mr. O'Connell's allusion to their cause and confederacy, was well calculated to lead the discontented peasantry

* See Note, chap. 5. sect. 1.

of Ireland into a notion, that their designs were countenanced by the "Catholic Board," and that if they possessed but arms and spirit, they should not want for leaders.

A very brief space will suffice for the consideration of the second instance of what may be termed indirect menace on the part of the Association, which it was proposed to notice. On the 24th of November 1824, Mr. Hamilton Rowan was admitted a member of the Roman Catholic Association, and the secretary to that body addressed him in the following terms: "Sir, I have the honour to submit to your approval, the resolution of this Association, which was adopted with an enthusiasm and unanimity such as I have never witnessed before; arising, no doubt, from its being coupled and connected to a name so beloved and honoured as your own, through the recollection, that from earliest life you have so eminently devoted yourself to the service of your country." It would be a waste of words to attempt proving that, in this letter, the honours are said to be conferred upon Mr. Rowan for his public exertions; and, in particular, for the recollections associated with his early life, when, for his principles, he endured the penalty of the law, and was for many years an alien from his country. For these principles and sacrifices, (and it is to be remembered that, in the subsequent part of his life, Mr. Rowan has not been very distinguished as a public man,) he is honoured by the enthusiastic applauses of the "Roman Catholic Association," and the nation are taught, that the praises of that body are to be obtained, not by an irreproachable life and benevolent habits, but by avowing principles of hostility to the British government, and by suffering for the avowal. Indeed, it was not easy to select a case in which the "Association" could, by such an address as that to Mr. Rowan, mark more unequivocally their approbation of the principles for which he was once in such extreme peril. "He dispenses," says Mr. Brougham, "the blessings of his ample fortune to his happy tenantry; and, in the bosom of his delighted family, he exercises every function of a country gentleman;—he attends all the charity meetings—he is the very darling of his neighbourhood, as of his countrymen at large;"—and the Roman Catholic Association, casting a hasty and unobserving glance over all these merits, settles upon the only unhappy part of Mr. Rowan's life, and declares that it is for that part they admire him. He is a good landlord, a kind friend, a benevolent man;—this they disregard; but his political opinions forced him to leave his country, and for this his name excites more enthusiastic applause than has been remembered in any Roman Catholic meeting. It may be said, that the conduct of the Association was directly the reverse of what Mr. Brougham imagined that it should have been;—where he called for silence and pardon, the Association uttered

cheers of enthusiastic applause—where he challenged admiration for Mr. Rowan, the Association were silent.

Such are the dispositions of the Roman Catholics of Ireland, from which their leaders derive an argument, that the state ought to make concessions. The force of the argument lies in this, that the leaders are, as it were, an independent body between the State and a discontented people; that they can treat with insurgents, and not have their loyalty impeached; that they can negotiate with government, and not have their patriotism doubted; approaching near enough to treason, to keep discontent alive, and yet not breaking forth from the restraints within which the British constitution allows the subject to enjoy liberty; and that because they have such power to do evil, and because the people are so well disposed to assist in any evil intent, the state should rather grant their petitions, than drive them to rebellion. For purposes like these, it is expedient that columns of Catholicity should be always collecting, and that French principles should not fall into disrepute.

This argument, derived from the strength of the Roman Catholic population, is to be rendered more cogent by a measure lately adopted, namely, that a census of the entire population of Ireland, distinguishing the religious denomination of each person, is to be taken by the Roman Catholic priests, under the authority of the "Association." In the enumeration of the people, the diocese of Waterford has taken the lead, and Dr. Kelly, the successor of Dr. Hussey, of whom the reader may remember a notice in the second section of this work,* has been the first to receive the thanks of "the Association" for his patriotism and intrepidity. In the manner in which the name of this individual was made to introduce an eulogy on the memory of Dr. Hussey, his celebrated predecessor, the Editor has found so strong a corroboration of the sentiments which he ventured to express on the conduct of the same eminent person †, that he would consider it an act of injustice to the subject and to his readers, not to quote from Mr. Shiell's speech some important remarks on the nature of Doctor Hussey's views and anticipations:

"It was in the year 1797 he (Edmund Burke) wrote the letter to Dr. Hussey, in which his love of Ireland is so emphatically and so unaffectedly expressed; and it was not long after that Dr. Hussey addressed his celebrated pastoral admonition to his flock, which contained so much wise injunction and so much fearless truth. Cumberland has given, in his Memoirs, a sketch of the character of Dr. Hussey, with whom he was well acquainted at the court of Spain. He

* P. 305 to 315. vol. i.

† P. 313, vol. i.

" has represented him as a very able but ambitious person.
 " The conduct of Dr. Hussey, when he was raised to the see of
 " Waterford, justifies the encomiums on his talents, while it
 " refutes the satire upon his morality. There was nothing
 " servilely timorous or compromising in his demeanor; he
 " stood fearless in the worst of times, and, although he felt,
 " that every head on which the mitre was placed might be laid
 " down upon the block of martyrdom, he uniformly preserved
 " the intrepid magnanimity which it became a Christian pon-
 " tiff to assume. He addressed himself to the proconsul of
 " Ireland with the boldness of the Apostle, and claimed the
 " franchises of a citizen. He was the first who proclaimed
 " that great truth which it required more courage than inspi-
 " ration to announce. *He was the first to trace the progress of*
 " *that spirit which has pursued the rapid course which he*
 " *daringly pointed out.* Well did he anticipate all the events
 " which followed, and it may be added, that he prophesied the
 " scenes which are passing before us, when he exclaimed,—
 " 'the rock is loosened from the mountain's brow!' a sentence
 " which attracted universal notice at the period of alarm, when
 " the nation stood upon the verge of those sanguinary events
 " which ensued. The rock was indeed loosened, and is rolling
 " on; it is sweeping every impediment away. Where will it
 " rest in its course, and in what gulph will it at last abide? That
 " is an interrogatory to which no man in our time will live,
 " perhaps, to give a reply. Our children, and the children of
 " our oppressors, will read it in the history of this unfortunate
 " land, and God grant that its pages may not be written in
 " blood!"

" That amiable and excellent man, whose life was an illus-
 " tration of his precepts, was succeeded by a gentleman, of
 " whom it is unnecessary to say more, than that he was cha-
 " racterized by a spirit of political complaisance, which arose
 " from the imbecility of his intellect, more than from any
 " vices of his heart. Upon his death it was found necessary
 " to fill the see which he had left vacant, with a man of a very
 " opposite cast of mind. The clergy of Waterford looked round
 " for an ecclesiastic who was fitted to the time. They wanted
 " a man of high talents and acquirements, of a firm, decided and
 " manly character, with a bold and inflexible spirit, and some-
 " thing of a *republican* simplicity of mind. And where did
 " they seek him? These lovers of despotism by religion; these
 " mercenary slaves; these men who are deemed insensible to
 " the love of liberty, and incapable of its enjoyment; these
 " popish priests looked out into the *democracy* * of America,

* See page 124, vol. i. and page 134, vol. ii.

“ and selected for their prelate a bishop of the United States.
 “ The pious and energetic prelate who possesses such paramount
 “ claims upon the gratitude of the Irish people, did not allow
 “ himself to be swayed by any petty fears, or miserable solici-
 “ tudes ; he did not ask, whether the counting of his flock was
 “ consistent with the rules of cold prudence and nice calcu-
 “ lation ; he did not stop to inquire how far the fastidious plea-
 “ sure of the government should be consulted upon this momen-
 “ tous measure ; he did not hold out a wavering balance, and
 “ allow a noble opportunity to escape in its adjustment. ‘ Will
 “ it serve my country ? ’ was the only question which was asked
 “ by this enlightened ecclesiastic ; and the answer is embodied
 “ in the result *.”

Veto.

THE following passage is quoted from the 85th number of the Edinburgh Review, (November 1825.) “ That this language
 “ of Dr. Murray and Dr. Doyle, in regard to the readiness of
 “ the Irish bishops to oppose the Pope, is something more than
 “ mere profession, is proved by the part they took in actually
 “ opposing the Pope, and opposing him too, when he was on
 “ the side of the English government, on the question of the
 “ *veto* ; on that occasion, the Pope not only advised the bishops,
 “ but *ordered* them to accede to the measure ; and in a long
 “ letter to them, said every thing that could be said to give
 “ effect to his commands. But the bishops having assembled
 “ together, unanimously agreed to refuse to submit to the Pope,
 “ and sent him a reply, asserting their own rights, and dis-
 “ tinctly declaring, that this was a case in which they could
 “ not obey him.”

This conduct of the Roman Catholic bishops, considered in connection with their testimony before the parliamentary committees, the Reviewer thinks “ most directly calculated to remove conscientious objections, and to allay prudent apprehensions.” The inference of the Reviewer, even though his premises were admitted as true, may be strongly doubted. If a Roman Catholic prelate has, without hesitation, taken the consecration oath of fidelity to the Pope, and recognized as genuine the decrees of the council of Florence, (which gives to the Papal see absolute dominion), and if the British government behold him afterwards willing rather to violate his oath, than yield to the sovereign pontiff in a matter which may quiet the apprehensions of the English people, it is doubtful whether such conduct would not serve rather to excite a strong

suspicion of some political intrigue in Ireland, than to dissipate any alarm that might have been felt, with respect to the designs of the church of Rome. But whatever be the correct inference which should be drawn in such a case, whether that the Roman Catholic bishops hated England, or that they loved independence, (which in their consecration oath they renounced), it is much to be regretted, that the account of the resistance offered to the Pope's design of granting a *veto*, rests altogether on the authority of the Reviewer, who assumes the premise and deduces the conclusion. That the bishops of the church of Rome in Ireland, entered into resolutions expressing their disapprobation of the *Veto*, and expressing their sentiments in very strong terms, is generally known; but that they proceeded to such a length as to "agree unanimously, that they would not submit to the Pope," is a circumstance which ought to be stated upon some better authority than that of an anonymous writer. As to the reasoning grounded upon that statement, it is perhaps presumptuous to impeach it; but the statement itself is a mere matter of fact, and the Reviewer ought to have instructed his hearers, whether it rests upon any authority to which he is willing to refer such persons as desire to be more fully informed. He certainly did not learn from Doctor Doyle, that the Roman Catholic bishops in Ireland resolved to disobey the Pope, with respect to the question of *Veto*, and yet he considers Dr. Doyle good authority. The prelates protested, the doctor informs the Committees, against the rescript of Quarantotti; they would oppose, he is satisfied, the Pope himself; but how?—"Were he (the Pope) to give his sanction to it, I think we should oppose the matter here. I think he would not sanction it; but were he to do so, we should not agree to it; for my part, I would not; I should resign the office that I hold, rather than assent to such a thing; I would first remonstrate against it; I would remonstrate a second time against it, and if this were not sufficient to ward it off, I should certainly resign my office, and I hope there is not a bishop in Ireland who would not do the same." In another part of his examination, in reply to a question, as to whether he thought the Roman Catholics favourably disposed towards arrangements similar to those agreed on in 1799, (when a *veto* was conceded to the Crown,) Doctor Doyle answers as follows; "If I were to pretend to speak the sentiments of the Roman Catholic prelates, I might deceive myself, and deceive the Committee, and therefore I think it would be safer in communicating information, that I should only give my own private sentiments, for I do think I could not speak the sentiments of others with any degree of confidence; men's minds are so different, and it is so delicate a matter to pretend to speak for others, that I would not undertake at all to do it." From these answers it appears,

Comm.

p. 189.

Right Rev.

J. Doyle, D. D.

p. 180.

Comm.

p. 209.

Right Rev.

J. Doyle, D. D.

that Doctor Doyle was unacquainted with the agreement to resist the veto, of which the Edinburgh Reviewer makes mention; and in the second place it is ascertained, that the species of resistance which was likely to be offered, was petition and remonstrance, unaccompanied by any menace other than that of resigning office, if the Pope exerted his authority and changed the discipline of the church of Rome in Ireland. Thus the supreme power of the Pope is indirectly, but clearly acknowledged. Doctor Doyle would resign his bishopric, not because the Pope *recommended* his Irish bishops to concede a veto; so long as the Pope confined himself to recommendations, the prelate would meet him with remonstrances; but in the end he finds remonstrances unavailing; the veto is *commanded*; the discipline of the church of Rome in Ireland is changed; and then Doctor Doyle's resistance consists in his resignation. The power or the liberty therefore which the Irish bishops of the church of Rome claim for themselves, is, that they can choose between submission to the Pope, and resignation of their bishoprics; that is, between submission and the leaving vacancies for the appointment of those who would submit. It is evident, that in the determination to offer such a resistance, there is little to quiet the apprehensions of the Protestant people of England. It teaches them that the Roman Catholic bishops in Ireland are not independent, that the discipline of their church may, contrary to their wishes, undergo an important change; that while they remain in office, they must be obedient, and that where the Pope is too arrogant, (as when he demands concessions to the British government) the only resource left to his bishops is to resign. Doctor Doyle and the Reviewer, spoke of the rights of national churches, of the independence of the Roman Catholic church in Ireland, and yet the Pope can, according to Doctor Doyle's statement, in opposition to the wishes of all his prelates, constrain them to yield to a Protestant monarch, a power which, they think, may prove ruinous to their religion; indeed this admission on the part of Doctor Doyle affords a convincing proof, that the Pope is absolute master of the church of Rome in Ireland, and that with respect to his mode of governing it, he is regulated (as masters are) more by considerations of what is right and expedient for him to do, than by any legitimate power which his servants possess to resist him. Independent as the bishops are, he needs but command them to yield "a veto" to the British government, and they will vacate their sees, and allow themselves to be succeeded by a race who shall be more obedient. The Pope has the power of "institution," and can, therefore, at all times, exact of the bishop elect an assent to any propositions, and a subscription to any

suspicion of some political intrigue in Ireland, than to dissipate any alarm that might have been felt, with respect to the designs of the church of Rome. But whatever be the correct inference which should be drawn in such a case, whether that the Roman Catholic bishops hated England, or that they loved independence, (which in their consecration oath they renounced), it is much to be regretted, that the account of the resistance offered to the Pope's design of granting a *veto*, rests altogether on the authority of the Reviewer, who assumes the premise and deduces the conclusion. That the bishops of the church of Rome in Ireland, entered into resolutions expressing their disapprobation of the *Veto*, and expressing their sentiments in very strong terms, is generally known; but that they proceeded to such a length as to "agree unanimously, that they would not submit to the Pope," is a circumstance which ought to be stated upon some better authority than that of an anonymous writer. As to the reasoning grounded upon that statement, it is perhaps presumptuous to impeach it; but the statement itself is a mere matter of fact, and the Reviewer ought to have instructed his hearers, whether it rests upon any authority to which he is willing to refer such persons as desire to be more fully informed. He certainly did not learn from Doctor Doyle, that the Roman Catholic bishops in Ireland resolved to disobey the Pope, with respect to the question of *Veto*, and yet he considers Dr. Doyle good authority. The prelates protested, the doctor informs the Committees, against the rescript of Quarantotti; they would oppose, he is satisfied, the Pope himself; but how?—"Were he (the Pope) to give his sanction to it, I think we should oppose the matter here. I think he would not sanction it; but were he to do so, we should not agree to it; for my part, I would not; I should resign the office that I hold, rather than assent to such a thing; I would first remonstrate against it; I would remonstrate a second time against it, and if this were not sufficient to ward it off, I should certainly resign my office, and I hope there is not a bishop in Ireland who would not do the same." In another part of his examination, in reply to a question, as to whether he thought the Roman Catholics favourably disposed towards arrangements similar to those agreed on in 1799, (when a *veto* was conceded to the Crown,) Doctor Doyle answers as follows; "If I were to pretend to speak the sentiments of the Roman Catholic prelates, I might deceive myself, and deceive the Committee, and therefore I think it would be safer in communicating information, that I should only give my own private sentiments, for I do think I could not speak the sentiments of others with any degree of confidence; men's minds are so different, and it is so delicate a matter to pretend to speak for others, that I would not undertake at all to do it." From these answers it appears,

Comm.

p. 139.

Right Rev.

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p. 130.

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p. 209.

Right Rev.

J. Doyle, D. D.

that Doctor Doyle was unacquainted with the agreement to resist the veto, of which the Edinburgh Reviewer makes mention ; and in the second place it is ascertained, that the species of resistance which was likely to be offered, was petition and remonstrance, unaccompanied by any menace other than that of resigning office, if the Pope exerted his authority and changed the discipline of the church of Rome in Ireland. Thus the supreme power of the Pope is indirectly, but clearly acknowledged. Doctor Doyle would resign his bishopric, not because the Pope *recommended* his Irish bishops to concede a veto ; so long as the Pope confined himself to recommendations, the prelate would meet him with remonstrances ; but in the end he finds remonstrances unavailing ; the veto is *commanded* ; the discipline of the church of Rome in Ireland is changed ; and then Doctor Doyle's resistance consists in his resignation. The power or the liberty therefore which the Irish bishops of the church of Rome claim for themselves, is, that they can choose between submission to the Pope, and resignation of their bishoprics ; that is, between submission and the leaving vacancies for the appointment of those who would submit. It is evident, that in the determination to offer such a resistance, there is little to quiet the apprehensions of the Protestant people of England. It teaches them that the Roman Catholic bishops in Ireland are not independent, that the discipline of their church may, contrary to their wishes, undergo an important change ; that while they remain in office, they must be obedient, and that where the Pope is too arrogant, (as when he demands concessions to the British government) the only resource left to his bishops is to resign. Doctor Doyle and the Reviewer, spoke of the rights of national churches, of the independence of the Roman Catholic church in Ireland, and yet the Pope can, according to Doctor Doyle's statement, in opposition to the wishes of all his prelates, constrain them to yield to a Protestant monarch, a power which, they think, may prove ruinous to their religion ; indeed this admission on the part of Doctor Doyle affords a convincing proof, that the Pope is absolute master of the church of Rome in Ireland, and that with respect to his mode of governing it, he is regulated (as masters are) more by considerations of what is right and expedient for him to do, than by any legitimate power which his servants possess to resist him. Independent as the bishops are, he needs but command them to yield " a veto " to the British government, and they will vacate their sees, and allow themselves to be succeeded by a race who shall be more obedient. The Pope has the power of " institution," and can, therefore, at all times, exact of the bishop elect an assent to any propositions, and a subscription to any

tests or vows which may be proposed to him previously to his consecration. If one man refuse, another will submit; and thus the obligations of the existing Roman Catholic bishops may be as little known at the present day, as was the nature of their appointment known at the time when the Stuart family governed the church of Rome in Ireland. What satisfaction then can a Protestant government derive from a species of resistance, which only proves that there is no power to resist, and which is exercised in opposition to the government, whose reasonable apprehensions the Roman Catholic bishops should be very anxious to remove.

But perhaps the Reviewer has been enabled to learn an account of some proceedings relative to the veto, which were kept secret from Doctor Doyle. It is certain that persons who had great facilities for acquiring such knowledge were left in total ignorance on the subject, and that a strong suspicion was entertained by the party which professed to be on the people's side among the Roman Catholics, that their bishops, influenced by their reverence for the Pope, and by a tendency to court intrigue, were willing to concede the measure of veto.

The sentiments of Mr. O'Connell may be gathered from the following letter addressed to the secretary of the Roman Catholics, and published in 1822 :

“ Limerick, July 27, 1817.

“ My dear friend.—I perceive the pliant Trojan has got Dr. Murray's support for the veto. Their publication of their letter to you, was intended to intimidate other bishops from that zealous opposition to the veto, which the people look for, and the times require. The person I am most surprized at is you. Why did you not instantly counteract the poison, by publishing all such replies as you received, reprobatory of the veto, and favourable to domestic nomination. I presume you are waiting for more, but as the war began at the other side, you ought, at once, to have published every publishable letter.

“ I conjure you to let Dr. Coppinger and Dr. O'Shaughnessy's letters see the day as soon as possible. Discretion will injure, not serve us, on this point.

“ I am, I own, greatly shocked at the part Dr. Murray is taking. I had the highest opinion of him, and the greatest respect for him. But I see he wishes, with Dr. Troy's see, to inherit the patronage of the Catholic church of Ireland.—Oh! it is melancholy to think of his falling off. He who compared the vetoists to Judas. As to Dr. Troy, better could not be expected from him. His traffic at the castle is long notorious. But the sneer at the board, and the sup-

"pressed anger of those prelates would be ludicrous, if the subject were not so important and vital. Are they angry because we urge not the name but the reality of domestic nomination? Alas! the fact is, that is just the cause of their ill-temper, and the source of their attack upon us.

"You cannot conceive any thing more lively than their abhorrence of those vetoistical plans amongst the people at large. I really think they will go near to desert all such clergymen as do not now take an active part on the question. The Methodists were never in so fair a way of making converts. Publish, my dear friend, publish. The Ennis aggregate was the most numerous ever known.

"Yours, most sincerely,

"D. O'Connell.

"P. S.—Send me, by return of post, the address of all the bishops.

* "To Edward Hey, Esq."

In the preceding letter, Mr. O'Connell entreats, that the letters of those persons who were most opposed to the *Veto*, should be published, and particularizes those of Drs. O'Shaughnessy and Copping. Perhaps in their letters, the reader may suppose, the Edinburgh Reviewer discovers the resolution to disobey the Pope. Extracts are here subjoined which will sufficiently indicate the nature of the sentiments those bishops entertain with respect to the Pope's authority.

Doctor Coppinger recommends a meeting of Roman Catholic bishops, from which they should forward to the Pope a protest against the transfer of their concerns at Rome from the College of Propaganda to the temporal secretary, and concludes: "If success crown our efforts, the triumph will be glorious indeed, *should discomfiture await us, we shall at least enjoy the consolation of having done our duty.*" †

Doctor O'Shaughnessy would protest against the right of the Pope to concede a *veto*.—"Quere, has the See of Rome a power to alter the general discipline of a national church, in an essential point, not only without the consent, but in direct opposition to the whole hierarchy of the same, and in circumstances likely to prove fatal; and all this with an eye to political aggrandisement, and brought about by the schemes and intrigues of a corrupt and unprincipled political secretary?"

* It ought to be added, that as soon as this letter appeared in the public prints, Mr. O'Connell addressed an apology to Doctors Troy and Murray, as humble and unsatisfactory as under the circumstances might have been expected.

† Dublin Evening Post, July 29, 1817.

“ P. S. Should it be improper in me to question the authority with which his Holiness is vested in the present instance, with profound submission and obedience, I bow to St. Peter’s successor.”

Here are two declarations made by Roman Catholic bishops, one asserting that the Pope may, if he please, transfer his Irish church to a political secretary, (as an expeditious mode of arranging “ the veto,”) and that, if his Irish subjects cannot, by petition, effect a change in his intentions, they have no consolation but that of having done their duty ; and the other, from a person who finds “ the rights” of his order so imperfectly ascertained, as that he does not know, whether the Pope has not a power in himself, *contrary to the wishes of his bishops, in an essential point, from corrupt motives, and in circumstances likely to prove fatal, to make an alteration in the general discipline of his church in Ireland.*

Is it necessary to seek other testimonies than those of Doctors Coppinger and O’Shaughnessy, to prove that the assumption of the Edinburgh Reviewer, as to the meditated disobedience of the Pope’s orders, is altogether unwarrantable?

The entire history of the veto negociations, is characterized by the most decisive proofs, that the Pope was regarded as the absolute master of the destinies of his Irish church. It is true that hatred or suspicion of the British government manifested itself strongly ; that members of the “ Catholic Board” habitually indulged themselves in violent declamation against the abettors of vetoism ; that they laboured to excite in the minds of those whom they could influence, the same strong feelings by which they professed to be governed themselves ; that, at one time, resolutions were unanimously adopted, pledging the members of “ the Board,” as “ Catholics and Irishmen,” never to consent or submit to any interference on the part of the Crown, in the appointment of their bishops ;—but these were the resolutions, and these were the practices of laymen ; and in the proceedings of the prelates, although there are strong expressions of their dissatisfaction to be found, yet it would be vain to look for any distinct assertion of their right to resist the Pope’s will, or any resolution to exercise such a right, even though the interests of their church in Ireland might imperatively demand it. The following extracts from one of Mr. O’Connell’s published letters, will serve to show the opinion which he entertained of the sentiments of those bishops, who, as the Edinburgh Reviewer states, had come to the resolution of disobeying and resisting the Pope, rather than consent to surrender the veto :—

“ I begin with utterly denying that the Catholic prelates of Ireland *continue* hostile to the veto, I speak of the *leading*,

" *influential, and managing* part of them. Mr. M'Donnell may produce Dr. Troy's signature against the veto; signatures indeed! Has not a Protestant bookseller Dr. Troy's signature to his approbation of an edition of the Bible, with notes containing the most disgusting bigotry? Has not the Education Society Dr. Troy's signature to his approbation of those extracts from the Bible which contain the Protestant version of the most important of the disputed passages? I am ready to admit it has been proved that these signatures were obtained by one accident or another; but I ask if *two* such accidents ever happened to one man before? and as such accidents happened twice to one man, pray what is to prevent their recurrence ten or a dozen times *"?

It is not difficult, from these documents, to form a tolerably correct opinion as to the real opponents of the veto. The bishops were restrained by their consecration oath, and the submission they acknowledged towards the Roman see, from acting as their inclinations may have prompted; the resolution to resist may have presented itself to their minds, and may have been mournfully rejected, but certainly no such resolution ever proceeded from their national synod to disturb the peace of their Lord the Pope; and however painful such a sacrifice might have been, the Roman Catholic bishops in Ireland would surrender their independence, and expose their church to the influence of a court, rather than disobey the orders of him, to whose service they had bound themselves by so strict and solemn an obligation. The laity were not, it appears, disturbed by similar scruples; the two parties, into which they became divided, thought it fitting to have ambassadors at Rome; one party intreating the Pope to concede a *veto* to the British government, the other party declaring, that if such a concession were made, the Irish Roman Catholics must resist. The principal agent of this latter party was the Rev. Mr. Hayes, who, as appears by the Dublin Evening Post of December 16, 1817, "gave in his report" to the board, and was thanked "for the zeal, fidelity and talent with which he had conducted his important mission to the holy see." With him it had been proposed to associate Doctor Drumgoole, because, as Mr. Hayes informed his constituents at Rome, a lay foreigner is always "more respected than an ecclesiastic, though he be a bishop, for the Pope, Cardinals and Prelates *look upon an ecclesiastic as their own subject and subaltern.*"

Of Doctor Drumgoole it is unnecessary to express a judgment here, but of the manner in which Mr. Hayes was qualified for

* Dublin Evening Post, February 2, 1819. Letter from Mr. O'Connell.

his mission, and how he discharged his duties, so as to deserve the thanks of the board, let the organ of the Roman Catholics, the Dublin Evening Post, give testimony: "A man who was interdicted in the diocese where he was ordained, *for preaching a seditious sermon*—who betook himself to Cork and got interdicted there—who went to Rome and offered a personal insult to the sovereign pontiff, and who on his return was interdicted a third time." Such were the agents employed by the "Catholic Board," in opposing the measure of *veto*. How they succeeded, Mr. O'Connell, if his testimony be accepted, has fully informed the legislature, stating, that in the year 1817, the Roman Catholic people of Ireland were so unconcerned about the veto, that even "the board" found itself unable to excite them; and in 1821, their minds and tempers had been so changed, that if such a measure had been established by Act of Parliament, the consequence would have been a wicked and sanguinary insurrection. The passages are as follow:

"The board in 1817, addressed the bishops on the veto, but the people at large viewed our address with indifference. The attempt of the board to revive opposition to the veto in 1817, was totally abortive."*

"I speak advisedly, when I say, that a sanguinary insurrection would immediately have followed its enactment (*Bill, granting Veto,*) a wicked, a hopeless but a bloody insurrection."†

The particulars of the conduct, which Mr. O'Connell and his party in the "Catholic board" observed respecting "the veto," are worthy of being recorded. In the year 1817, Mr. O'Connell opposes the Pope and his bishops, and endeavours, in vain, to excite a people which was indifferent about "the veto."

In the year 1821, he finds, that the people are no longer indifferent, but would show their detestation of a measure which the Pope had approved, by rising in hopeless rebellion.

In the year 1825, he recommends to a parliamentary committee, to see the names of bishops elect before they were sent to Rome, which he declares would be securing a veto to the Crown more effectual than a mere formal concession of that privilege; he also advises, that a provision should be made for the Roman Catholic clergy in such a manner as should make them actually "officers of the Crown;" and even goes so far as to promise, that, if the claims of the Roman Catholics were granted, they would soon concede to the government formally as well as virtually, the reprobated "Veto."

Comm.
p. 82.
D. O'Connell,
Esq.

* Letter from Mr. O'Connell, Dublin Evening Post, Feb. 2, 1819.

† Letter from Mr. O'Connell, Dublin Evening Herald, April 27, 1821.

In the same year, when giving an account of his conduct to the Roman Catholics of Ireland, he denied that government were to see the names of bishops until after their appointment; he denied that the state provision was to lessen, in the slightest degree, the independence of the clergy; and he confessed himself in error for having proposed to government, "the securities" which he had undertaken to say, might be obtained without offending either the popular or the religious feelings of his constituents in Ireland.

Conduct of this nature should instruct members of Parliament, that little advantage is to be gained by negotiating with Roman Catholic leaders.

There are two things to be considered by the legislature: what it is for the interest of the country to enact? What may be offensive to the consciences of men whose religion is tolerated? As to what a party will or will not yield, this should never be learned from the words of a political leader. If he be influenced by a factious or a selfish spirit, his object will be, that he shall not lose the ascendancy to which he has attained; the measures against which he protests when the legislature act on the general principles which besem their dignity, he will propose, if he may make a merit with his party of accomplishing a desirable object; and the state, by sanctioning such pretensions, will find that it has not dissolved the bonds of a party, but that it has increased the audacity of a faction. The sentiments of the right hon. R. Day, upon this subject, will be found in the second Volume of this Work, and the Editor subjoins here some extracts from the evidence of the venerable the archdeacon of Tuam, upon which he does not mean to offer any comment, but which he feels it would be injustice to withhold from his reader.

ARCHDEACON TRENCH.

WOULD the removal of the civil disabilities under which the Roman Catholics labour, on account of their religion, tend generally to the advantage and improvement of Ireland?

Lords,
May 6, 1825.
p. 729.

It would partly depend upon the way in which it was done; you must satisfy, or you must endeavour to satisfy all; and if there is one security better than another, which the Roman Catholic can offer to the Protestant, he is bound to do it. If the measure was carried in the way that I conceive it might be carried, my humble opinion is, that it would be beneficial to the

sive of concession to England, still it may be contended, that although this zeal and clear-sightedness was not very consistent with the contented ignorance of the Roman Catholic people, yet it was not very much to be condemned. It may be said, that if the abominable tenets of the councils of Lateran and Constance were brought under the notice of the Roman Catholics, they would protest against them with marks of abhorrence much stronger than those with which they reprobated "*the veto*;" and it may accordingly be inferred, that while their conduct with respect to the latter measure manifests a spirit of independence which superstition cannot controul, the silence which they have observed with reference to any tenets which ought to be disclaimed, should be taken as a satisfactory assurance that no such tenets are now taught or entertained. The Editor has repeatedly expressed his opinion, that, with respect to the majority of the Roman Catholic gentry in Ireland, no assurance is necessary to prove, that they are not dishonoured by holding the more offensive tenets, to which their church is satisfied with procuring from them a blind and unqualified assent; and how, when he is about to quote from the recorded proceedings of "the Catholic Board," some passages which furnish grounds for a very grave charge, he reiterates his former assertions. His opinion with respect to the sentiments of the Roman Catholic gentry may be expressed in the following clear and candid statement of a learned Protestant divine: "It is not my intent to make it be believed, nor in fact do I believe myself, that the members of that communion hold the numerous and contradictory tenets of their church. I am persuaded they do not. Some of the doctrines are rejected without a moment's hesitation, and others pass carelessly through the mind, without its forming any opinion upon them. But what conclusion would I draw from thence? Is it that such are *not* the dogmas of the church of Rome? That I cannot admit, so long as their councils do not disavow them, and those persons are denounced in curses, who do not believe them."* To the truth of this candid exposition, the Editor cordially assents, and while he grieves that the Roman Catholic gentry inflict sufferings on themselves by countenancing a system, in the objectionable parts of which (considered in a political point of view) they would be most unwilling to acquiesce, yet he is far from imagining that their acquiescence is to be imputed to any more unworthy motive than a carelessness about the doctrines which their church maintains, or an angry spirit

* Four Discourses on the Errors of the Roman Catholic Church, by the Rev. Robert Bell, D. D.

against the government, which, without inquiry, they accuse of oppressing them unjustly.

While, however, these are the opinions which ought to be entertained, with respect to the Roman Catholic gentry of Ireland, there are many reasons to believe that a spirit much more dangerous than that which influences the gentry still remains active and efficient in the body to which they belong. Many indications of the presence of such a spirit, the reader may have noticed in the Reports of Evidence taken before the Parliamentary Committees, but it is probable, that no indication can be considered more decisive than that which shall be here subjoined, and which has been furnished by the proceedings of the "Catholic Board" in Ireland.

The reader will please to recal to his mind, the account already submitted to him in these pages relating to the approval of the Rheimish Testament, by the Roman Catholic bishops, and the circumstances under which their approbation was withdrawn. In the year 1816, this Testament, with its accompaniment of most abominable notes, was published, with Dr. Troy's approbation, and, in order to make the purchase of it more practicable by the poorer classes, it was published in numbers. For more than a year it was in circulation, and was, perhaps, during that time, the only existing document from which the principles of the church of Rome in Ireland could be authoritatively learned, with respect to the duties which Roman Catholics owed to the government under which they lived. In the British Critic for the month of September 1817, an article appeared, exhibiting to the nation the principles avowed in this authorized publication, and commenting upon them with equal temperance and ability. The alarm and indignation of England were excited, and the Roman Catholic bishops perceived, that (unless the reasonable suspicions of the Protestants could be allayed) their cause was hopeless. Then followed Dr. Troy's unsatisfactory disclaimer.

About the same time, it was judged expedient, that the laity also should, by a formal act, disclaim tenets which cast such odium upon them, and Mr. O'Connell at the "Catholic Board," proposed that they should exonerate themselves from what he considered a most disgraceful imputation, but—can the reader believe it—Mr. O'Connell, in the height of his popularity, failed, and his motion was rejected.—The following extracts from the Dublin Evening Post, will show how "The Board" proceeded.

"CATHOLIC BOARD," December 1, 1817.

Dublin Evening Post, December 2.

Mr. O'Connell expressed his intention to move for a disavowal of the Rheimish notes.

Dublin Evening Post, December 6.

Mr. O'Connell moved for a committee to disclaim the Rheimish notes; stated, that an action was pending between Dr. Troy and a respectable bookseller, and while the Board should not interfere with the subject of this action, "they should not let the present opportunity pass, of recording their abhorrence of the bigoted and intolerant doctrines promulgated in that work."—"There was not a moment to be lost."—"He would not remain a Catholic one hour longer, if he thought it *essential* to the Catholic faith to believe that it was lawful to murder Protestants, or that faith might be innocently broken with heretics. Yet such were the doctrines to be deduced from the notes to the Rheimish Testament." Mr. O'Connell moved for a committee to disavow the notes. Mr. Eneas McDonnell opposed the motion. Mr. Nicholas Mahon thought the business should be left to the clergy. Mr. O'Connell replied, that "if, under pretence of this being a polemical subject, you stop short, the people of England will say that you had not the spirit or the liberality to condemn those very scandalous notes, and that you got rid of them by a side wind." In the end, a motion was put and carried, the words being amended thus:

"That a committee be appointed to draw up an address on the occasion of the late publication of the Rheimish Testament, with a view to have the same submitted to an aggregate meeting."

Dec. 3.—Dublin Evening Post, Dec. 11.

The committee appointed to prepare an address on the occasion of the re-publication of the Rheimish notes, obtained time until Saturday next to make up their report.

Dec. 13.—Dublin Evening Post, Dec. 16.

Mr. O'Connell stated, that the committee appointed to prepare a disavowal of the Rheimish notes, would be ready to make their report on Thursday next. They would probably adopt the disclaimer of the archbishop of Dublin, omitting, of course, the preliminary part, with which they had no concern; for it was couched in language as strong and as general as could be desired.

Dec. 18.—Dublin Evening Post, 20—18.

Mr. O'Connell moved, that farther time be granted to the committee appointed to prepare a disavowal of the Rheimish notes, until Saturday se'nnight.

Dublin Evening Post, January 18, 1818.

" The Catholic Board were to have met on Saturday week, " for the purpose of devising means to remunerate Mr. Hayes, " &c. &c. The Board, we have heard, is extinct."

Such was the conduct of the " Catholic Board," upon a question respecting the disclaimer of " notes," which Mr. O'Connell has faithfully characterized, and which he strongly called upon the members of the Board to disavow. His call upon them was unsuccessful, and if they were to be considered as representatives of the Roman Catholic gentry of Ireland, the dreadful conclusion would be unavoidable, that the Rheimish notes afforded a just picture of their sentiments. The reader has already seen, that the resolution of the Board was a rejection of Mr. O'Connell's motion. He had moved for a committee to *disavow* the notes; and in the motion which was carried, the *disavowal* was not named; the Board, therefore, refused to disclaim the notes, and the committee appointed to consider them would not report the result of their deliberations. What the secret influence was which demanded such a sacrifice of liberal and honourable feeling, it would not, perhaps, be easy, at this day, to ascertain: no doubt, however, can be entertained, that duty to themselves and to their parliamentary supporters, and to the government from which they hoped to obtain a valuable object, required of them to disclaim principles like those avowed in the Rheimish notes: and yet they chose rather to furnish their opponents with new arguments, and to disarm their tried and valued friends, than to reject doctrines, which, being brought before their notice, and deliberated upon, it was disgraceful not to have condemned. Even gratitude called upon them to vindicate their friends, and yet it could not prevail. The advocates of their cause had insisted that the doctrines of their church were such as could not give offence; it was urged as a triumphant reply, that the Rheimish notes had been published and authorized, and the " Catholic Board" furnished grounds for supposing, that they had been not only recommended by their bishops, but also approved by themselves.

The character of the Rheimish notes is so well known, and is so faithfully described by Mr. O'Connell, that it is scarcely necessary to present any specimens from them here. The Editor will, however, make one selection from the British Critic, for the sake of showing, that the notes authorize treachery and

disimulation; and also to show, that the Catholic Board neglected the defence of one of their ablest supporters; and that they confirmed arguments, which had already been powerful enough to create a strong feeling of disgust in the British mind, against the doctrines and the principles of the church of Rome in Ireland.

"The good must tolerate the evil, when it is so strong that it cannot be redressed without danger or disturbance of the whole church, and commit the matter to God's judgment, in the latter day: otherwise, where evil men, be they heretics, or other malefactors, may be punished and suppressed, without disturbance or hazard of the good; they may and ought, by public authority, either spiritual or temporal, to be chastised or executed." Matt. xiii. 29.

"All wise men see, or shall see, the deceits of all heretics, though for troubling the state of such commonwealths; where unluckily they have been received, they cannot be so suddenly extirpated." 2 Tim. iii. 9.

Thus, then, the toleration of Protestants is reduced to a mere matter of prudence, not of principle. The work of extirpation must not be too suddenly attempted; the noxious weeds are to be permitted to grow, till the church shall be possessed of sufficient authority to eradicate them from the soil. The claims of the Catholics to exclusive possession, both of spirituals and of the accompanying temporals, are boldly urged in the perverted language of Tertullian."

"Who are you? and from whence come you? What do ye in my possession? Why do ye sow and seed for your companions at your pleasure? It is my possession. I am heir of the Apostles. I hold the possession as they provided by their Testament; as they committed it to my credit; and as they adjured me. You they disinherited always, and cast you off as enemies." Preface.

Pretty practical polemics these, and leading to most practical conclusions! Such are the principles respecting which the Earl of Donoughmore, in his letter to the Cork Roman Catholics, dated Sept. 3, 1817, has declared, "that he has grappled with misrepresentation, and not entirely failed in making the Catholic religion, and the character of its ministers, stand erect in that house of which he is a member."

In bringing such doctrines and precepts before the view of the British public we perform a painful, but an imperious duty. Let the advocates of emancipation remember, that these were the principles, which, when embodied with the authority of the state, animated the sanguinary persecutions of Mary; and it may be worthy of their remark, that the arguments enumerated by bishop Burnet, as used by the

“popish persecutors of that reign, are precisely those which are now circulated in Ireland under the cover of the Scriptures, and the authority of Dr. Troy. Let the British Parliament remember, that to them are entrusted the liberty, the property, and the lives of all their fellow-subjects; let them ponder, therefore, before it be too late, upon the danger of arming the professors and propagators of such principles with political power; let them not forget, that they are answerable for the consequences which such principles may produce, if the civil sword of Ireland shall be subject to popish direction. The terror of a Catholic executive, backed by a Catholic population is not a mere phantom. What the principles are which animate the priesthood, and pervade the population, which is wholly under their controul, the volume before us has unequivocally declared. The warning has been given in terms neither equivocal nor obscure.

“Quater ipso in limine putæ
Substitit, atque utero sonitum quater arma dedere,
Instamus tamen immemores, cæcique furore
Et monstrum infelix sacratâ sistimus darce.”*

The Roman Catholic Associations of the present day have adopted the resolution of extorting “Emancipation” from the British government, and giving no other security that they will not abuse their power, than that which is afforded by an oath. They are willing to swear that they will bear true allegiance to the British crown, and they are indignant that the offer of such an oath shall not be considered a satisfactory assurance of their loyalty. They ought to remember, however, that their bishops and priests have sworn, that they will disclose, “to the utmost” of their power, all treasons and traitorous conspiracies;” and yet, if a bishop was informed that an assassin was lurking under the royal roof, he would not communicate such knowledge if he had received it in confession. For an emergency of this nature, it will be said, that the clergy, in taking the oath of allegiance, provided by a mental reservation; but it is against these *mental reservations* Protestants protest. It was known to many, that secrets communicated in the confessional were not to be made known; but it was not supposed that the obligation of secrecy extended to cases of *meditated* crime; and few indeed were aware, that a Roman Catholic priest, if he had learned in confession that the life of the King was in peril, could not give a *general caution*, that *His Majesty should be on his guard*. The oath of allegiance, therefore, was taken not in the sense understood by the government which proposed it, nor according to the natural interpre-

* British Critic, vol. viii. p. 302.

tation of the words, but in a sense limited by mental reservations, known only to those who consented to take the oath; *mental reservations, be it remembered, which the Roman Catholic prelates have not attempted to excuse, even by referring to any particular canon of doctrine or discipline in their church.*

Oaths are, however, the only securities which the Roman Catholics now propose to offer to the British government, and these, the argument of "the six millions, and the casualties of war," is expected to render satisfactory. Their conduct in this particular is, to say the least of it, indiscreet. It would be much more befitting the character of petitioners to approach their government with respect, and to prove their love of the constitution, by a carefulness that no impurity shall enter it. If it be true, that the doctrines of the church are not incompatible with the security of the state, let them be openly presented to the public eye. Let not the Roman Catholic gentry be contented with such statements as their bishops are pleased to make, "*that some canons are rejected, some are admitted, and some are in part rejected and in part received.*" Let them demand a full and satisfactory account of those doctrines to which they are pledged; what councils they are to receive; what canons of these councils are to be their rule of faith, and upon what authority they are to rest for what they believe and for what they reject. If they do this, they can meet the objections of Protestants with a reasonable reply, or they can judge whether the objections are unanswerable; but if they are satisfied with formularies of faith, which give scanty accounts of some spiritual doctrines, and which are silent on those important questions with which government is directly concerned; if they are satisfied with affirmatives that their creed contains nothing of which the British nation should be jealous, while they profess to acknowledge the authority of the councils and canons which have caused a strong and reasonable alarm, they will find it difficult to satisfy the legislature, which, as petitioners, they approach, that they are not either very blind worshippers of their priests, or very undutiful subjects of the King.

ADDENDA TO PART I.

See Sect. 1. Chap. 2.

REV. GEORGE HAY,

Presbyterian Clergyman in Derry.

CAN you state what are the relative proportions of the Presbyterian population, of the church of England population, and of the Roman Catholic population in the county of Derry?

Com.
May 18, 1825.
Report, p. 673.

Before I came here, I made very minute inquiries, as minute as possible, by communications, by letter and otherwise, with the Presbyterian ministers of the north of Ireland (at least eighty of them) in order to ascertain the question of population; I found it very difficult to ascertain, with accuracy, from a number of causes; however, I think I have been able to make out a calculation of the comparative population of the county of Derry, which I can venture to submit to the committee.

Will you have the goodness to state it?

There are in the county of Derry 26 congregations connected with the synod of Ulster; from my knowledge of the state of those in-point of number, I have taken 427 families as the average; and I beg to remark, that I consider this a small average, knowing the county as I do; from all the communications I have had, I find that $5\frac{1}{2}$ is a low computation of souls in a family; 427 multiplied by 26, and that again by $5\frac{1}{2}$, gives a product of 61,061 souls. Another estimate, which I think is perhaps more accurate than this, which was made by two most intelligent gentlemen, at my request, makes the Presbyterian population of the county of Derry amount

to 70,000, this I would take nearer the truth than the other. The other Protestants, including Episcopalians, Covenanters, Seceders, Methodists, Moravians, Quakers, Baptists and Independents, I think I make a low estimate when I calculated them at 27,000; these give a Protestant population of about 97,000 in the county of Derry. The population of the county is 193,865, which leaves the remaining part of the population composed of Roman Catholics, 96,865.

Have you seen a statement, in which it is said that the Roman Catholic population, compared with the Protestant population of the county of Derry, is two to one?

Yes, I have.

That, you conceive to be quite erroneous?

Of course when I reckon this a correct statement; the gentleman, who made that statement had not the means of proving so well as I have, with every disposition to be accurate.

Do you think the proportion of the Protestant population, as compared with the Roman Catholic population in the counties of Antrim and Down, is greater or less than that in the county of Derry, which you have just stated?

I think much greater; from different opinions I have had from clergymen in the course of my enquiries, I should suppose it is 4 to 1.

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